

R. Grant-Met. & Ind. 594. 6. 8.
Anne, Queen,
2.

TREATY OF NAVIGATION AND COMMERCE

Between the most Serene and most Potent

Princess *ANNE*,

By the Grace of God,

Queen of *Great Britain, France, and
Ireland*, Defender of the Faith, &c.

And the most Serene and most Potent

Prince *PHILIP* the Vth,

The Catholick King of *Spain*,

Concluded at *Utrecht* the ²⁸/₉ Day of ^{November}/_{December} 1713.

L O N D O N:

Printed for J. ROBERTS, near the Oxford-
Arms in *Warwick-Lane*. MDCCXXXVIII.

Price One Shilling.

TREATY
OF
NAVIGATION
AND
COMMERCE

Between the most Serene and most Potent

Princes A. W. E.

By the said

Princes of Great Britain, France, and
Prussia, Defenders of the Faith, &c.

And the said Serene and most Potent

Prince WILLIAM the Fifth

The Catholic King of Spain

Concluded at Utrecht the 11th of May 1713.

L O N D O N :

Printed for J. Roberts, near the Old
Barrack in Warwick-Lane. MDCCLXIII.

Price One shilling.



ANNE, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and singular to whom these Presents shall come, Greeting. Whereas the Right Reverend Father in God, our Right Trusty and Wel-beloved Counsellor, *John* Bishop of *Bristol*, our Ambassador Extraordinary and Plenipotentiary, Dean of *Windsor*, and Register of Our most Noble Order of the Garter, did on Our Part, together with the Plenipotentiaries of His Catholick Majesty, Conclude and Sign at *Utrecht*, on the ^{November}~~December~~ 3^d Day of 1713, a Treaty of Commerce between the Subjects of *Great Britain* and *Spain*, as follows:

A Good and firm Peace, and a true and sincere Friendship having, by the merciful Assistance of God, been happily established between the most Serene and Potent Prince and Lady, Anne, by the Grace of God, Queen of Great Britain, France, and Ireland, &c. and the most Serene and Potent Prince and Lord, Philip the Fifth, by the Grace of God, Catholick King of Spain, &c. and their Heirs and Successors, Kingdoms, and Subjects, by a Treaty of Pacification concluded at *Utrecht* the ^{Second}~~Thirteenth~~ Day of the Month of July last past, their Majesties before all Things made it their Care, that the mutual Advantage of their Subjects in Matters of Trade, might be provided for after the best Manner; and therefore they most graciously gave Instructions to their Ambassadors Extraordinary and Plenipotentiaries, (by whose Means the Peace had been happily concluded) to draw up into a Solemn Treaty of Commerce, what-

soever, after all Things had been thoroughly considered at the Conferences held for that Purpose at Madrid, should seem to conduce most to this good End; the said Ambassadors therefore, by virtue of their full Powers, (Copies whereof are inserted Word for Word at the End of this Instrument) agreed upon Articles of Commerce for the Explanation of former Treaties, and greater Ease and Convenience of Trade, in the Manner and Form following:

I.

THE Treaty of Peace, Commerce, and Alliance, concluded at Madrid between the Crowns of Great-Britain and Spain the $\frac{1}{2}$ Day of May, 1667, is ratified and confirmed by this Treaty, and for the greater strengthening and Confirmation of the same, it has been thought proper to insert it Word for Word in this Place, together with the Royal Schedules, or Ordinations annexed to it, as follows:

The Treaty of Peace and Friendship between the Crowns of Great-Britain and Spain, concluded at Madrid the $\frac{1}{2}$ Day of May, in the Year of our Lord, 1667.

ENtred into, and concluded by the most excellent Lord Edward Earl of Sandwich, Privy-Counsellor to the most Serene and Potent King of Great Britain, and his Ambassador Extraordinary to Spain, in the Name of the most Serene King his Master; and the most excellent Lords, Don John Eberardo Nidardo, Confessor to the most Serene Catholick Queen, Inquisitor General and Counsellor of State, Don Ramira Phelipez Nunez de Guzman, Duke of San Lucar Mayor, and of Medina de las Torres, Counsellor of State, and President of Italy, and Don Gaspar of Bracamonte and Gusman, Count of Penaranda, Counsellor of State, and President of the Indies, in the Name of the most Serene and Potent King and Queen of Spain, at Madrid the $\frac{1}{2}$ Day of May, 1667.

WHereas after the Decease of the most Serene and Potent King of Spain, Philip the Fourth, of glorious Memory, it pleased God that the most Serene and Potent Catholick King Charles the Second, his Son, succeeded to the Kingdoms, States, and Dominions of his Father's Monarchy;

chy; and the most Serene Catholick Queen the Lady *Anna Maria* of *Austria* was called to the Government of the same, as Tutress and Curatrix during the Minority of the King; it was thought most desirable by the most Serene and Potent *Charles* the Second, King of *Great Britain*, and the most Serene and Potent Catholick King and Queen; who were moved with a mutual Desire and Inclination thereto, to renew, at length, and confirm by new Additions, that good Correspondence and reciprocal Friendship which had flourished from the most antient Times between the Crowns of *Great Britain* and *Spain*, till the Vicissitude of human Affairs destroyed that Amity and Alliance which each Nation had with the other, as well because the mutual Advantages and Frequency of Trade, as the Tempers of each Nation, seemed to require a certain particular Union of Minds and Counsels; and for that End the said most Serene King of *Great Britain* sent the most excellent Lord *Edward* Earl of *Sandwich*, Viscount *Hinchinbrook*, Baron *Montacute* of *St. Neote*, Vice-Admiral of *England*, Master of the Great Wardrobe of the King, Privy-Counsellor, and Knight of the most noble and celebrated Order of the Garter, his Ambassador Extraordinary to their Catholick Majesties, that he might not only renew the antient Bonds of Friendship between the two Crowns, which were broke through the Iniquity of the Times, but unite them yet more closely, and by a Treaty of mutual Alliance lay new Foundations of a more firm Friendship, to continue to the latest Posterity, and did provide the said Ambassador with most ample full Powers, a Copy whereof shall be inserted hereafter. But with that Kindness was the Negotiation of the said Ambassador Extraordinary received at the Court of *Spain*, that the most Serene Queen, Guardian, and Governess, was pleased to appoint the most excellent Don *John Eberardo Nidardo*, Confessor of the most Serene Queen, Inquisitor-General and Counsellor of State, Don *Ramiro Phelipez Nunez de Gusman*, Duke of *San Lucar Mayor*, and of *Medina de las Torres*, Counsellor of State, and President of *Italy*, and Don *Gaspar* of *Bracamonte* and *Gusman*, Count of *Penaranda*, Counsellor of State, and President of the *Indies*, to enter into and conclude a Treaty with him, and granted them a Commission and full Powers, the Tenor whereof shall follow hereafter.

*The Tenor of the Commission or Full Powers on the Part of
the most Serene King of Great-Britain, &c.*

CHARLES the Second, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting. Whereas the Unhappiness of this Age seems chiefly to consist in this, that most Princes and States so indulge and adhere to their own Affections and Advantages, that they had rather have all the ties of Friendship and Neighbourhood trode down, and even the Universe torn in Pieces, than recede ever so little from their own Opinions and Designs, however lightly or unjustly taken up; for that Reason those few Kings, to whose Power God has joined a certain inborn Love of Equity and Justice, ought to use their utmost Endeavours, as well to make and preserve Agreements of a holy Friendship between themselves, as to recal and bend the stubborn Wills of those who are averse to it, to the more wholesome Thoughts of Peace; and it having been observed, that the *English* and *Spaniards* were always so disposed, that their Affections could not without Difficulty be alienated from one another, and were easily reconciled, and that each Kingdom flourished most, when those that reigned, following their natural Temper, observed most strictly the Peace established between them; and it having been perceived, and found from certain Proofs, that the most Serene Queen the Lady *Anna Maria* of *Austria*, Mother, Guardian, and Curatrix of the most Serene and Potent King of *Spain*, &c. and Governess of his Kingdoms and Dominions, is inclined with the same Readiness, as we are, to pursue such Counsels, whereby the antient Alliances between our Crowns may not only be renewed, but be made yet closer and stronger than ever before: Nothing seemed to us to be wanting to the performance of so pious a Work, but the Choice of some worthy Man, and one equal to so great an Undertaking, who might perform the Function of our Ambassador Extraordinary to the said most Serene Queen Regent of *Spain*, and adorn his Character with personal Virtues: Such above all others We thought Our Right Trusty and Wellbeloved Cousin, *Edward* Earl of *Sandwich* and Viscount of *Hinchinbrooke*, Baron *Montacute* of

St.

St. Neote, Vice Admiral of *England*, Master of Our Great Wardrobe, and one of Our Privy-Council, and Knight of the most Ancient and Noble Order of the Garter. Know ye therefore, That We having great Confidence in the Fidelity, Industry, Judgment, and Prudence of the said Earl of *Sandwich*, Our Ambassador Extraordinary, have Made, Constituted and Appointed, as We do by these Presents Make, Constitute and Appoint him Our true and undoubted Commissary and Procurator, Giving and Granting to him full and all manner of Power and Authority, and likewise Our general and special Command, to Establish, Confer, Treat, Agree upon, and Conclude in Our Name a closer Alliance between the Crowns and Kingdoms of *Great Britain* and *Spain*, a Settlement of the Liberty of Commerce and Navigation; and lastly, a Defensive and Offensive Alliance between the said Crowns and Kingdoms, upon the most advantagious and convenient Terms and Conditions, with the aforesaid most Serene Queen Regent of *Spain*, and her Commissaries, Deputies, or Procurators, provided with sufficient Authority for that purpose; and to do all other things which conduce to the aforesaid Ends; and to draw up the Articles, Letters, and Instruments that shall be necessary on this Occasion, and to require and receive the same from the other side; and lastly, to dispatch every thing which shall be necessary or convenient to or concerning the Premises, Promising in good Faith, and on Our Royal Word, that We will Ratifie, Approve and Confirm whatsoever shall be done, agreed on, and concluded, between the said most Serene Queen Regent of *Spain*, and her Procurators, Deputies, or Commissaries, and Our aforesaid Ambassador Extraordinary, concerning all or any of the Premises, that We will never violate any one or more of them, but will rather observe and cause to be observed Holily and Inviolably whatsoever shall be Promised in Our Name. In Witness whereof, We have caused these Presents to be made, and having Signed them with Our Hand, have ordered the Great Seal of *England* to be affixed thereto. Given at Our Palace at *Westminster* the 16th Day of *February*, in the Year of Our Lord, 1665, and of Our Reign the Eighteenth.

Charles R.

Here

Here follows the Tenor of the Commission or full Powers on the Part of His Catholick Majesty:

DON Charles, by the Grace of God, King of *Castille, Leon, Arragon, both Sicilies, Jerusalem, Portugal, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Corduba, Corsica, Murcia, Jaen, the Algarves, Algecira, Gibraltar, the Canary Islands, the East and West-Indies, the Islands and Continent of the Ocean, Archduke of Austria, Duke of Burgundy, Brabant, and Milan, Count of Apsburg, Flanders, Tirol, and Barcelona, Lord of Biscay and Molina, &c.* and the Queen Donna *Anna Maria of Austria*, his Mother, Tutress and Curatrix of his Royal Person, and Governess of the said Kingdoms and Dominions. Forasmuch as in order to settle the Things conducing to the common Welfare of the most Serene Crowns of *Spain and Great Britain*, (the Observation of which through some Accidents of Time hath been prevented) and the Capitulations established in the ancient Treaties of Peace between the two Crowns, I have thought fit to give Power, as I do by Virtue of these Presents give Power to *John Eberardo Nidardo* my Confessor, Counsellor of State, and Inquisitor-General, *Don Ramiro Phelipez, Nunez de Gusman*, Duke of *San Lucar la Mayor*, and of *Medina de las Torres*, Counsellor of State, and President of *Italy*, and *Don Gaspar of Bracamonte and Gusman*, Count of *Pentaranda*, Counsellor of State, and President of the *Indies*; for the sake of the high Quality, Prudence, Experience, Zeal and Love of my Service, which are found in their Persons, and particularly for the great Confidence and Satisfaction which I have that they endeavour and desire all Things which can conduce to the publick Good, therefore by Virtue of this present Power, I authorize them, and give them as full Leave as is requisite, to the end that Representing my proper Person, they may, for the most Serene King, my most Dear and Welbeloved Son, and in his Royal Name, Hear, Confer upon, Treat of, Adjust and Conclude with the Earl of *Sandwich*, Privy Counsellor of the most Serene King of *Great Britain*, *Charles the Second*, my good Brother and Cousin, and his Ambassador Extraordinary in this Court, by Virtue of the Power which he has from the

the said King of *Great Britain*, any Treaty whatsoever of Renewal of Peace, and a more strict Friendship; And I likewise give them Power to make any Treaties whatsoever of Union and Alliance with the said King of *Great Britain*, and a Truce with the Crown of *Portugal*, for such Time as shall be thought proper, together with all other the greatest Power and Authority, and the same which is in my Royal Person, Obliging my self, as I do oblige my self, and the said King my Son, upon my Faith and Royal Word, which is passed for it, to Approve and Ratifie the same by Oath, and with all other Circumstances and Solemnities which are necessary on this Occasion, within the Term that shall be assigned for it, without any Diminution. In Witness whereof, I Ordered these Presents to be Dispatch'd, Signed with my Hand, Sealed with the Privy Seal, and countersigned by my underwritten Secretary of State. Given at *Madrid* the 15th of *June*, 1666.

I the Queen.

*Don Pedro Fernandez del Campo
y Angulo.*

BY Virtue of which Commissions, and according to the Tenor of the same, the aforesaid most Excellent Lords, the Ambassador Extraordinary of the most Serene King of *Great Britain*, and the Commissaries, and Deputies of the most Serene King and Queen of *Spain*, after frequent Conferences, careful Attention, and accurate as well as mature Deliberation, worthy of so important an Affair, did Agree upon, Consent to, Establish and Conclude Articles of Peace (which, with God's Assistance, shall endure for ever) in the following Words.

In the Name of the most Holy Trinity, Father, Son, and Holy Ghost, Three distinct Persons, and One only True God.

ARTICLE I.

FIRST, it is Agreed and Concluded, That from this Day forward there shall be, between the Two Crowns of *Great Britain* and *Spain*, a General, Good, Sincere, True,

True, Firm, and Perfect Amity, Confederation and Peace, which shall endure for ever, and be observed inviolably, as well by Land as by Sea, and Fresh-waters ; and also between the Lands, Countries, Kingdoms, Dominions, and Territories, belonging unto, or under the Obedience of either of them. And that their Subjects, People, and Inhabitants respectively, of what Condition, Degree, or Quality soever, from henceforth reciprocally, shall help, assist, and shew to one another all manner of Love, good Offices, and Friendship.

II.

That neither of the said Kings, nor their respective People, Subjects or Inhabitants within their Dominions, upon any pretence, may in publick or secret, do, or procure to be done, any thing against the other, in any Place by Sea or Land, nor in the Ports or Rivers of the one or the other, but shall treat one another with all Love and Friendship ; and may by Water and by Land, freely and securely pass into the Confines, Countries, Lands, Kingdoms, Islands, Dominions, Cities, Towns, Villages, Walled or without Wall, Fortified or Unfortified, their Havens and Ports (where hitherto Trade and Commerce hath been accustomed) and there Trade, Buy, and Sell, as well of and to the Inhabitants of the respective Places, as those of their own Nation, or any other Nation that shall be or come there.

III.

That the said Kings of *Great Britain* and *Spain*, shall take care that their respective People and Subjects from henceforward do abstain from all Force, Violence, or Wrong ; and if any Injury shall be done by either of the said Kings, or by the People or Subjects of either of them, to the People or Subjects of the other, against the Articles of this Alliance, or against common Right, there shall not therefore be given Letters of Reprisal, Marque, or Counter-marque, by any of the Confederates, until such time as Justice is sought and followed in the ordinary course of Law. But if Justice be denied or delayed, then the King, whose People or Inhabitants have received harm, shall ask it of the other, by whom (as is said) the Justice shall have been denied or delayed, or of the Commission-
ers

ers that shall be by the one King or the other appointed to receive and hear such Demands, to the end that all such Differences may be compounded in Friendship, or according to Law. But if there should be yet a delay, or Justice should not be done, nor Satisfaction given within Six Months after having the same so demanded, then may be given Letters of Reprisal, Marque or Counter-Marque.

IV.

That between the King of *Great Britain*, and the King of *Spain*, and their respective People, Subjects and Inhabitants, as well upon Sea as upon Land, and Fresh-waters, in all and every their Kingdoms, Lands, Countries, Dominions, Confines, Territories, Provinces, Islands, Plantations, Cities, Villages, Towns, Ports, Rivers, Creeks, Bays, Streights, and Currents, where hitherto Trade and Commerce hath been accustomed, there shall be free Trade and Commerce, in such way and manner, that without safe Conduct, and without general or particular License, the People and Subjects of each other may freely, as well by Land as by Sea, and Fresh-waters, Navigate and go into their said Countries, Kingdoms, Dominions, and all the Cities, Ports, Currents, Bays, Districts, and other Places thereof; and may enter into any Port with their Ships laden or empty, Carriage or Carriages wherein to bring their Merchandise, and there buy and sell what and how much they please, and also, at just and reasonable Rates, provide themselves with Provisions and other necessary Things for their Subsistence and Voyage; and also may repair their Ships and Carriages, and from thence again freely depart with their Ships, Carriages, Goods, Merchandise and Estate, and return to their own Countries, or to such other Places as they shall think fit, without any Molestation or Impediment, so that they pay the Duties and Customs which shall be due, and saving to either side the Laws and Ordinances of their Country.

V.

Item, It is likewise Agreed, That for the Merchandises which the Subjects of the King of *Great Britain* shall buy in *Spain*, or other the Kingdoms or Dominions of the King of *Spain*, and shall carry in their own Ships, or in Ships hired or lent unto them, no new Customs, Toll, Tenths, Subsidies, or other Rights or Duties whatsoever, shall be taken

or increased, other than those which in the like Case the Natives themselves, and all other Strangers are obliged to pay; and the Subjects aforesaid buying, selling and contracting for their Merchandises, as well in respect of the Prices, as of all Duties to be paid, shall enjoy the same Privileges which are allowed to the natural Subjects of *Spain*; and may buy, and lade their Ships with such Goods and Merchandises; which said Ships being laden, and Customs paid for the Goods, shall not be detained in Port upon any pretence whatsoever; nor shall the Laders, Merchants, or Factors, who bought and loaded the Goods aforesaid, be questioned after the departure of the said Ships, for any matter or thing whatsoever concerning the same.

VI.

And to the end that the Officers and Ministers of all Cities, Towns, and Villages belonging to either, may neither demand nor take from the respective Merchants and People, greater Taxes, Duties, Stipends, Recompenses, Gifts, or any other Charges, than what ought to be taken by virtue of this Treaty; And that the said Merchants and People may know and understand with certainty what is Ordained in all things touching this, It is Agreed and Concluded, That Tables and Lists shall be put up at the Doors of the Customhouses and Registries of all the Cities, Villages, and Towns of, or appertaining to one or the other King where such Rights and Excises or Customs are usually paid; in which, how much, and of what quality such Rights, Customs, Subsidies, and Payments, either to the Kings or any the aforesaid Officers are allowed, shall be put down in Writing, declaring as well the Species of what is Imported, as what is carried out. And if any Officer, or any other in his name, upon any Pretence whatsoever, in publick or secret, directly or indirectly, shall ask or receive of any Merchant or other Person respectively, any Sum of Money, or other Thing, by the Name of Right, Due, Stipend, Allowance, or Recompense (though it be by the way of voluntary Donative) more or otherwise than aforesaid, the said Officer or his Deputy being in such manner guilty, and convict before a competent Judge in the Country where the Crime is committed, shall be put in Prison for Three Months, and shall pay thrice the Value of the thing so received; of which the half shall be for the King

King of the Country where the Crime is committed, and the other half for the Denunciator, for the which he may Sue his Right before any competent Judge of the Country where it shall happen.

VII.

That it shall be lawful for the Subjects of the King of *Great Britain*, to bring out, and carry into *Spain*, and all or any Lands and Dominions of the King of *Spain* (where heretofore they have used Trade and Commerce) and trade there with all kind of Merchandise, Cloaths, Manufactures, and Things of the Kingdom of *Great Britain*, and the Manufactures, Goods, Fruits, and Kinds of the Islands, Towns, and Plantations to him appertaining, and what shall have been bought by *English* Factors on this side, or farther on the other side of the Cape of *Buena Esperança*, without being enforced to declare to whom, or for what Price they sell their said Merchandise and Provisions, or being molested for the Errors of the Masters of Ships, or others, in the Entry of the Goods; and at their pleasure to return again out of the Dominions of the King of *Spain*, with all, or any Goods, Estates and Merchandise, to any of the Territories, Islands, Dominions, and Countries of the King of *England*, or to any other Place, paying the Rights and Tributes mentioned in the antecedent Chapters; and the rest of all their Lading which is not brought to Land, they may detain, keep and carry away in their said Ship or Ships, Vessel or Vessels again, without paying any Right or Imposition whatsoever for it, as if therewith they had never been within any Bay or Port of the Catholick King. And all the Goods, Estates, Merchandise, Ships, or other Vessels, with any things introduced into the Dominions or Places of the Crown of *Great Britain* as Prizes, and judged for such in the said Dominions and Places, shall be taken for Goods and Merchandise of *Great Britain*, comprehended so by the Intention of this Article.

VIII.

That the Subjects and Vassals of the most Serene King of *Great Britain* may bring and carry to all, and singular the Dominions of the King of *Spain*, any Fruits and Commodities of the *East-Indies*, it appearing by Testimony of the

the Deputies of the *East-India* Company in *London*, that they are of, or have come from the *Englisb* Conquests, Plantations or Factories, with like Privilege, and according to what is allowed to the Subjects of the *United Provinces*, by the Royal *Cedulas* of *Contravando*, bearing Date the 27th of *June*, and the 3d of *July*, 1663. and Published on the 30th of *June*, and 4th of *July* the same Year. And for what may concern both the *Indies*, and any other Parts whatsoever, the Crown of *Spain* doth grant to the King of *Great Britain* and his Subjects, all that is granted to the United States of the *Low-Countries* and their Subjects, in their Treaty of *Munster*, 1648. Point for Point, in as full and ample manner as if the same were herein particularly inserted, the same Rules being to be observed whereunto the Subjects of the said United States are obliged, and mutual Offices of Friendship to be performed from one side to the other.

IX.

That the Subjects of the King of *Great Britain*, Trading, Buying, and Selling in any of the Kingdoms, Governments, Islands, Ports, or Territories of the said King of *Spain*, shall have, use, and enjoy all the Privileges and Immunities which the said King hath granted and confirmed to the *Englisb* Merchants that reside in *Andaluzia*, by his Royal *Cedulas* or Orders, dated the 19th Day of *March*, the 26th Day of *June*, and the 9th Day of *November*, 1645. His Catholick Majesty by these Presents reconfirming the same as a Part of this Treaty between the two Crowns. And to the end that it be manifest to all, It is consented, That the said Schedules (as to the whole Substance thereof) be passed and transferred to the Body of the present Articles, in the Name and Favour of all and singular the Subjects of the King of *Great Britain*, Residing and Trading in any Places whatsoever within his Catholick Majesties Dominions.

X.

That the Ships, or any other Vessels that shall belong to the King of *Great Britain*, or his Subjects, Navigating into the King of *Spain's* Dominions, or any of his Ports, shall not be visited by the Judges of Counterband, or by any other Officer or Person, by his own, or by any other
Au-

Authority; nor shall any Soldiers, Armed Men, or other Officers or Persons, be put on board any of the said Ships or Vessels; nor shall the Officers of the Custom-house of the one or the other Party, search in any Vessels or Ships belonging to the People of the one or the other, which shall enter into their Regions, Dominions, or respective Ports, until their said Ships and Vessels are unladen, or until they have carried on Shore all the Lading and Merchandise which they declare they resolve to disembark in the said Port; nor shall the Captain, Master, or any other of the Company of the said Ships be imprisoned, or they or their Boats detained on Shore; but in the interim, Officers of the Custom-house may be put on Board the said Vessels or Ships, so they exceed not the Number of Three for each Ship, to see that no Goods or Merchandise be Landed out of the said Ships or Vessels, without paying such Duties as by these Articles either Party is obliged to pay; which said Officers are to be without any Charge to the Ship or Ships, Vessel or Vessels, their Commanders, Mariners, Company, Merchants, Factors, or Proprietors. And when it happens that the Master or Owner of any Ship shall declare the whole Lading of his said Ship is to be discharged in any Port, the Entry of the said Lading shall be made in the Custom-house, after the usual manner; and if after the Entry made, any other Goods be found in the said Ship or Ships, more than what are contained in the said Entry, Eight working Days shall be allowed them on which they may work (which shall be reckoned from the Day they began to unlade) to the end that the concealed Goods may be Entred, and the Confiscation of them prevented: And in case that in the time limited, the Entry or Manifestation of them shall not have been made, then such particular Goods only, which shall be found, as aforesaid, though the unloading be not finished, shall be Confiscated, and not any other; nor shall any other Trouble be given, or Punishment inflicted on the Merchant or Owner of the Ship; and when the Ships or Vessels are reladen, they may have freedom to go out again.

XI.

That the Ship or Ships appertaining to the one or the other King, or to their respective People and Subjects, that shall enter into any Ports, Lands, or Dominions of the

one

one or the other, and shall discharge any Part of their Goods and Merchandises in any Port or Haven, being consigned with the rest to other Places within or without the said Dominions, shall not be obliged to register or pay the Rights of any other Goods or Merchandise, than of that which they shall unlade in the said Port or Haven, nor be constrained to give Bond for the Goods they shall carry to other Places, nor any other Security, if it be not in case of Felony, Debt, Treason, or other Capital Crime.

XII.

Whereas the one Moiety of the Custom of all Foreign Goods and Merchandises imported into *England*, is allowed and returned back to the Importer, if the said Goods be Exported out of the said Kingdom within Twelve Months after the first Landing, upon Oath made that they are the same Goods which paid Custom inwards, and that if they be not Re-shipt within the said Twelve Months, yet they may at all times be Exported without paying any Custom or Duty outwards: It is therefore Agreed, That if any the Subjects of the King of *Great Britain* shall hereafter Land any Goods or Merchandise, of what growth or nature soever they be, in any of the Ports of his Catholick Majesty, and having Entered them, and paid the Custom which by this Treaty ought to be paid, and shall afterwards desire to Transport them, or any part of them, to any other Place whatsoever, for a better Market, it shall and may be lawful for him or them so to do freely, without paying or being demanded any other Custom or Duty at all for the same, he or they making Oath, if required thereunto, that they are the same Goods for which Custom was paid at the Landing: And in case that the Subjects, People, and Inhabitants of the Dominions of either Part shall unlade, or have in any City, Town, or Village respectively, any Goods, Merchandises, Fruits, or Estates, and have paid the Customs due, according to what hath been declared, and after that, not being able to put them off, shall resolve to remit them to some other City, Town, or Village of the said Dominions, they may not only do it without Difficulty or Impediment, and without paying other Rights than what were due at their Entry, but likewise the Custom or Rights shall not be paid again in any other Part of the said Dominions, bringing Certificates from the

the Officers of the Custom-House, that they were paid before in the due Form. And the chief Farmers and Commissioners of the King of *Spain's* Rents in all Places, or some other Officer or Officers to be appointed for that Purpose, shall at all Times permit and suffer the Transportation of all such Goods and Merchandises from Place to Place, and give sufficient Certificate to the Owners thereof, or their Assigns, of their having paid their Custom at their first Landing, whereby they may be carried to, and landed at any other Port or Place of the said Jurisdiction, free from all Duties or Impediments whatsoever, as aforesaid, saving always the Right of any third Person.

XIII.

That it shall be lawful for the Ships belonging to the Subjects of the one or the other King, to anchor in the Roads or Bays of either, without being constrained to enter into Port; and in case they be necessitated to enter thereinto, either by Distress of Weather, Fear of Enemies, Pirates, or any other Accident, in case the said Ships be not bound to an Enemies Port, and carrying thither contraband Goods (whereof without some clear Proof, they shall not be questioned) it shall be lawful for the said Subjects to return to Sea freely when they please, with their Ships and Goods, so as they do not break Bulk, or expose any Thing to Sale; and that when they cast Anchor, or enter the Ports aforesaid, they be not molested or visited; and it shall suffice, that in this Case they shew their Passports, or Sea-Papers, which being seen by the respective Officers of either King, the said Ships shall return freely to Sea without any Molestation.

XIV.

And if any Ship or Ships belonging to the Subjects and Merchants of the one or the other, entring into Bays, or in the open Sea, shall be encountred by the Ships of the said Kings, or of Privateers their Subjects; the said Ships, to prevent all Disorders, shall not come within Canon-shot, but shall send their Long-Boat, or Pinnace, to the Merchant-Ship, and only two or three Men on Board, to whom the Master or Owner shall shew his Passports and Sea-Letters, according to the Form which shall be inserted

B

at

at the End of this Treaty, whereby not only the Ship's Lading, but the Place to which she belongs, and as well the Master and Owner's Name, as the Name of the Ship, may appear; by which Means the Quality of the Ship, and her Master or Owner will be sufficiently known, as also the Commodities she carries, whether they be contraband, or not; to the which Passports and Sea-Letters, inspire Faith and Credit shall be given, so much the rather, for that as well on the Part of the King of *England*, as of the King of *Spain*, some Counter-signs shall be given (if it shall be found necessary) whereby their Authenticalness may the better appear, and that they may not be in any wise falsified.

XV.

If any prohibited Merchandise or Goods shall be exported from the Kingdoms, Dominions, and Territories of either of the said Kings, by the respective People or Subjects of the one or the other, in such Case the prohibited Goods shall be only confiscated, and not the other Goods; neither shall the Delinquent incur any other Punishment, except the said Delinquent shall carry out from the respective Kingdoms or Dominions of the King of *Great-Britain*, the proper Coin, Wooll, or Fullers-Earth of the said Kingdoms; or shall carry out of the respective Kingdoms or Dominions of the said King of *Spain*, any Gold or Silver, wrought or unwrought; in either of which Cases the Laws of the respective Countries are to take Place.

XVI.

That it shall be lawful for the People and Subjects of both Kings, to have Access to the respective Ports of the one and the other, and there remain, and depart again with the same Freedom, not only with their Ships, and other Vessels for Trade and Commerce, but also with their other Ships fitted for War, armed, and disposed to resist and engage the Enemy, and arriving by Stress of Weather to repair their Ships, or furnish themselves with Provisions; so that entring willingly, they be not so numerous, that they give just Occasion of Suspicion, to which End they are not to exceed the Number of Eight, nor continue in their Havens, nor about their Ports, longer Time than they shall have just Cause, for the Repair of their Ships, to take in Provisions, or other necessary Things, much less

less be the Occasion of interrupting the free Commerce, and coming in of other Ships, of Nations in Amity with either King; and when an unusual Number of Men of War, by Accident, shall come unto any Port, it shall not be lawful for them to come into the said Ports or Havens, not having first obtained Permission of the King unto whom the said Ports do belong, or the Governors of the said Ports, if they be not forced thereinto by Stress of Weather, or other Necessity, to avoid the Danger of the Sea; and in such Case they shall presently acquaint the Governor or chief Magistrate of the Place with the Cause of their coming; nor shall they remain there any longer Time than the said Governor or Magistrate shall think convenient, or do any Act of Hostility in such Ports, that may prove of Prejudice to the one or the other of the said Kings.

XVII.

That neither the said King of *Great Britain*, nor the King of *Spain*, by any Mandate general, nor particular, nor for any Cause whatsoever, shall embark or detain, hinder or take for his respective Service, any Merchant, Master of a Ship, Pilot or Mariner, their Ships, Merchandise, Cloaths, or other Goods belonging unto the one or the other, in their Ports or Waters, if it be not that either of the said Kings, or the Persons to whom the Ships belong, be first advertised thereof, and do agree thereunto; Provided, that this shall not be construed to hinder or interrupt the ordinary Course of Justice and Law in either Country.

XVIII.

That the Merchants and Subjects of the one and the other King, their Factors and Servants, as also their Ships, Masters or Mariners, may as well going as coming, upon Sea and other Waters, as in the Havens and Ports of the one and the other respectively, carry and use all Kind of Arms, Defensive and Offensive, without being obliged to register them, as also upon Land to carry and use them for their Defence, according to the Custom of the Place.

XIX.

That the Captains, Officers and Mariners of the Ships belonging to the People and Subjects of either Party, may not commence an Action, nor hinder or bring Trouble

upon their own Ships, their Captains, Officers, or Mariners, in the respective Kingdoms, Dominions, Lands, Countries or Places of the other, for their Wages or Salaries, or under any other Pretence. Nor may they put themselves, or be received, by what Pretext or Colour soever, into the Service or Protection of the King of *England*, or King of *Spain*, or their Arms; but if any Controversy happen between Merchants and Masters of Ships, or between Masters and Mariners, the composing thereof shall be left to the Consul of the Nation, but after such Manner, as he who shall not submit to the Arbitrement, may appeal to the ordinary Justice of the Place where he is subject.

XX.

And to the End that all Impediments be taken away, that the Merchants and Adventurers of the Kingdoms of *Great Britain* be permitted to return to *Brabant*, *Flanders*, and other the Provinces of the *Low-Countries*, under the Jurisdiction of the King of *Spain*; forasmuch as it hath been thought convenient, that all, and any the Laws, Edicts, and Acts, by which the Importation of Cloth, or any Cloth, or any other Woollen Manufacture, of what Kind soever, Dyed or Undyed, Milled or Unmilled, into *Flanders*, or the other Provinces, hath been prohibited, be revoked and disannulled; and that if any Right, Tribute, Imposition, Charge, or Money, hath been, with Permission, or otherwise, put upon Cloths, or any of the aforesaid Wollen Manufactures so imported (except the antient Tribute upon every Piece of Cloth, and proportionably upon every other Woollen Manufacture, agreeable to the antient Treaties and Agreements between the then Kings of *England*, and the Dukes of *Burgundy*, and Governors of the *Low-Countries*) the same should be altogether void, and no such Tribute or Imposition from henceforth imposed, or put upon the said Cloths or Manufactures, for any Cause or Pretext whatsoever; and that all the *English* Merchants, trading in any of the said Provinces, their Factors, Servants, or Commissioners, should enjoy from henceforward, all the Privileges, Exemptions, Immunities and Benefits, which formerly have been agreed and given by the aforesaid antient Treaties and Agreements, between the then Kings of *England* and the Dukes of *Burgundy*, and Governors of the *Low-Countries*: It is therefore agreed, That Deputies shall

shall be named by the King of *Great Britain*, who meeting with the Marquis of *Castel-Rodrigo*, or the Governor of those Provinces for the Time being, or any other Ministers of the King of *Spain*, sufficiently authorised in this Behalf, shall friendly treat and conclude hereupon; and also such further Privileges, Immunities, and necessary Exemption, suitable to the present State of Affairs, shall be granted for the Encouragement of the said Merchants and Adventurers, and for the Security of their Trade and Commerce, as shall be agreed upon in a special Treaty, that shall be made between both the Kings, touching this Particular.

XXI.

The Subjects and Inhabitants of the Kingdoms and Dominions of the most Serene King of *Great Britain* and *Spain* respectively, shall with all Security and Liberty sail to, and traffick in all the Kingdoms, Estates, or Countries, which are, or shall be in Peace, Amity, or Neutrality with the one or the other.

XXII.

And they shall not be disturbed or disquieted in that Liberty, by the Ships or Subjects of the said Kings respectively, by reason of the Hostilities which are or may be hereafter between either of the said Kings, and the aforesaid Kingdoms, Countries, and States, or any of them, which shall be in Friendship or Neutrality with the other.

XXIII.

And in case that within the said Ships respectively, be found by the abovesaid Means, any Merchandise hereunder mentioned, being of contraband, and prohibited, they shall be taken out and confiscated, before the Admiralty, or other competent Judges; but for this Reason, the Ship, and the other free and allowed Commodities which shall be found therein, shall in no wise be either seized or confiscated.

XXIV.

Moreover, for better prevention of the Differences which might arise touching the Meaning of forbidden Merchandise, and of Contraband; It is Declared and Agreed, That under this Name shall be comprehended all Fire-Arms, as Ordnance, Musquets, Mortar-pieces, Petards, Bombs,

Granadoes, Fire-crancels, Fire-balls, Musquet-rests, Baneliers, Gun-powder, Match, Salt-petre, and Bullets; Likewise under the Name of forbidden Merchandise, are understood all other Arms, as Pikes, Swords, Pots, Helmets, Backs and Breasts, Halberds, Javelins, and such like Armour; Under this Name is likewise forbidden the Transportation of Soldiers, Horses, their Harnesses, Cases of Pistols, Holsters, Belts, and other Furniture, formed and composed for the Use of War.

XXV.

Likewise, to prevent all manner of Dispute, and Contention, It is agreed, that under the Name of forbidden Merchandise, and of Contraband, shall not be comprehended Wheat, Rye, Barley, or other Grains, or Pulse, Salt, Wine, Oil, and generally whatsoever belongs to the sustaining and nourishing of Life, but they shall remain free, as likewise all other Merchandises not comprehended in the preceding Articles, and the Transportation of them shall be free and permitted, although it be to the Towns and Places of Enemies, unless such Towns and Places be besieged, and blocked up, or surrounded.

XXVI.

It is also Agreed, That whatsoever shall be found Laden by the Subjects or Inhabitants of the Kingdoms and Dominions of either of the said Kings of *England* and *Spain* Aboard the Ships of the Enemies of the other, though it be not forbidden Merchandise, shall be confiscated, with all things else which shall be found within the said Ships, without Exception or Reserve.

XXVII.

That the Consul which hereafter shall reside in any of the Dominions of the King of *Spain*, for the Help and Protection of the Subjects of the King of *Great Britain*, shall be named by the King of *Great Britain*, and he so named, shall have and exercise the same Power and Authority in the Execution of his Charge, as any other Consul hath formerly had in the Dominions of the said King of *Spain*; and in like manner the *Spanish* Consul residing in *England*, shall enjoy as much Authority as the Consuls of any other Nation have hitherto enjoyed in that Kingdom.

XXVIII. And

XXVIII.

And that the Laws of Commerce that are obtained by Peace, may not remain unfruitful, as would fall out if the Subjects of the King of *Great Britain*, when they go to, come from, or remain in the Dominions or Lordships of the King of *Spain*, by reason of their Commerce and other Business, should be molested for Cause of Conscience; therefore that the Commerce be secure, and without Danger, as well upon Land as Sea, the said King of *Spain* shall provide, that the Subjects of the said King of *Great Britain* shall not be agrieved contrary to the Laws of Commerce, and that none of them shall be molested or disturbed for their Conscience, so long as they give no publick Scandal or Offence; And the said King of *Great Britain* shall likewise provide, for the same Reasons, that the Subjects of the King of *Spain* shall not be molested or disturbed for their Conscience against the Laws of Commerce, so long as they give no publick Scandal or Offence.

XXIX.

That the People and Subjects respectively of one Kingdom, in the Dominions, Territories, Regions, or Colonies of the other, shall not be compelled to sell their Merchandise for Brass-metal-Coin, or exchange them for other Coin or Things against their will; or having sold them, to receive the Payment in other Species than what they bargained for, notwithstanding any Law or other Custom contrary to this Article.

XXX.

That the Merchants of both Nations, and their Factors, Servants, and Families, Commissioners, or others by them employed; as also Masters of Ships, Pilots, and Mariners, may remain freely and securely in the said Dominions, Kingdoms and Territories, of either of the said Kings, and also in their Ports and Rivers; And the People and Subjects of the one King, may have, and with all Freedom and Security enjoy, in all the Lands and Dominions whatsoever of the other, their proper Houses to live in, their Ware-houses and Magazines for their Goods and Merchandise, which they shall possess during the time for which they shall have taken, hired, and agreed for them, without any Impediment.

XXXI.

The Inhabitants and Subjects of the said Confederate Kings, in all the Lands and Places under the Obedience of the one or the other, shall use or employ those Advocates, Proctors, Scriveners, Agents, and Solicitors, whom they think fit, the which shall be left to their Choice, and consented to by the ordinary Judges, as often as there shall be occasion; and they shall not be constrained to shew their Books and Papers of Account to any Person, if it be not to give Evidence for the avoiding Law-Suits and Controversies; neither shall they be Embarked, Detained, or taken out of their Hands, upon any Pretence whatsoever. And it shall be permitted to the People and Subjects of either King, in the respective Places where they shall reside, to keep their Books of Account, Traffick and Correspondence in what Language they please, in *English, Spanish, Dutch*, or any other, the which shall not be molested, or subject to any Inquisition. And whatsoever else hath been granted by either Party, concerning this particular, to any other Nation, shall be understood likewise to be granted here.

XXXII.

That in case the Estate of any Person or Persons shall be Sequestred or Seised on by any Court of Justice or Tribunal whatsoever, within the Kingdoms and Dominions of either Party, and any Estate or Debt happen to lie in the Hands of the Delinquents belonging *bona fide* to the People and Subjects of the other, the said Estate or Debts shall not be Confiscated by any of the said Tribunals, but shall be restored to the true Owners *in Specie*, if they yet remain, and if not, the Value of them (according to the Contract and Agreement which was made between the Parties) shall be restored within Three Months after the said Sequestration.

XXXIII.

That the Goods and Estates of the People and Subjects of the one King, that shall die in the Countries, Lands, and Dominions of the other, shall be preserved for the lawful Heirs and Successors of the Deceased; the Right of any Third Person always reserved.

XXXIV.

That the Goods and Estates of the Subjects of the King of Great Britain, that shall die without making a Will in the

the Dominions of the King of *Spain*, shall be put into Inventory, with their Papers, Writings, and Books of Account, by the Consul or other publick Minister of the King of *Great Britain*, and deposited in the Hands of Two or Three Merchants, that shall be named by the said Consul or publick Minister, to be kept for the Proprietors and Creditors; and neither the *Cruzada*, nor any other Judicatory whatsoever, shall intermeddle therein; which also in the like case shall be observed in *England* towards the Subjects of the King of *Spain*.

XXXV.

That a decent and convenient Burial-place shall be granted and appointed to bury the Bodies of the Subjects of the King of *Great Britain*, who shall die within the Dominions of the King of *Spain*.

XXXVI.

If it shall happen hereafter that any Difference fall out (which God forbid) between the King of *Great Britain* and the King of *Spain*, whereby the mutual Commerce and good Correspondence may be endangered, the respective Subjects and People of each Party shall have Notice thereof given them in time, that is to say, the Space of Six Months, to transport their Merchandise and Effects, without giving them in that time any Molestation or Trouble, or Retaining or Embarking their Goods or Persons.

XXXVII.

All Goods and Rights Concealed or Embarked, Moveables, Immoveables, Rents, Deeds, Debts, Credits, and the like, which have not, with a formal Notice of the Cause, and by a legal Condemnation, according to the Ordinary Justice, been brought into the Royal Exchequer at the time of concluding this Treaty, shall remain at the full and free disposal of the Proprietors, their Heirs, or of those who shall have their Right, with all the Fruits, Rents, and Emoluments thereof, and neither those who have concealed the said Goods, nor their Heirs shall be molested for this Cause by the Exchequers respectively; but the Proprietors, their Heirs, or those who shall have their Right, shall have for the said Goods and Rights their Action at Law, as for their own proper Goods and Estate.

XXXVIII. It

XXXVIII.

It is Agreed and Concluded, That the People and Subjects of the King of *Great Britain*, and of the King of *Spain*, shall have and enjoy in the respective Lands, Seas, Ports, Havens, Roads, and Territories of the one or the other, and in all Places whatsoever, the same Privileges, Securities, Liberties, and Immunities, whether they concern their Persons and Trade, with all the beneficial Clauses and Circumstances which have been granted, or shall be hereafter granted by either of the said Kings, to the most Christian King, the States General of the *United Provinces*, the *Hans-Towns*, or any other Kingdom or State whatsoever, in as full, ample, and beneficial manner, as if the same were particularly mentioned and inserted in this Treaty.

XXXIX.

In case any Difference or Dispute shall happen on either side concerning these Articles of Trade and Commerce, by either the Officers of the Admiralty, or other Person whatsoever, in the one or the other Kingdom; The Complaint being presented by the Party concerned, to their Majesties, or to any of their Council, their said Majesties shall cause the Damages forthwith to be repaired, and all things, as they are above Agreed, to be duly executed; And in case that in Progress of Time any Frauds or Inconveniences be discovered in the Navigation and Commerce between both Kingdoms, against which sufficient Prevention hath not been made in these Articles, other Provisions may be hereafter mutually Agreed on, as shall be judged convenient, the present Treaty remaining still in full Force and Vigour.

XL.

It is likewise Accorded and Concluded, That the most Serene and Renowned Kings of *Great Britain* and *Spain* shall sincerely and faithfully observe and keep, and procure to be observed and kept, by their Subjects and Inhabitants respectively, all and singular the Capitulations in this present Treaty Agreed and Concluded, neither shall they directly or indirectly infringe the same, or consent that the same shall be infringed by any of their Subjects or Inhabitants. And they shall Ratifie and Confirm all and singular the Conventions before Accorded by Letters Patents reciprocally, in sufficient, full and effectual Form, and the same so formed and

and made, shall interchangeably deliver, or cause to be delivered faithfully and really, within four Months after the Date of these Presents; and they shall then, as soon as conveniently may be, cause this present Treaty of Peace and Amity to be published in all Places, and in the manner accustomed.

In Witness whereof, we the above mentioned Ambassador Extraordinary of the most Serene King of *Great Britain*, and the Commissaries of the most Serene King and Queen of *Spain*, have put our Seals to this present Treaty, subscribed with our own Hands, at *Madrid* the $\frac{1}{3}$ Day of *May*, in the Year 1667.

(L. S.) *Sandwich*. (L. S.) *Eberardo Nidardo*,
(L. S.) *Duc. de St. Lucar*, &c. (L. S.) *Conde de Penaranda*.

The Form of Letters which ought to be given by the Towns and Sea-Ports, to the Ships and Vessels setting Sail from thence.

TO all unto whom these Presents shall come. We the Governors, Consuls, or Chief Magistrate, or Commissioners of the Customs of the City, Town, or Province of *N.* do testify and make known, That *N. N.* Master of the Ship *N.* hath before us, under solemn Oath, declared, That the Ship *N.* of _____ Tons (more or less) of which he is at present Master, doth belong to the Inhabitants of *N.* in the Dominions of the most Serene King of *Great Britain*. And We, desiring that the said Master may be assisted in his Voyage and Business, do intreat all Persons in general and particular, who shall meet him, and those of all Places where the said Master shall come with the said Ship and her Merchandise, that they would admit him favourably, treat him kindly, and receive the said Ship into their Ports, Bays, Havens, Rivers, and Dominions, permitting her quietly to Sail, Pass, Frequent, and Negotiate there, or in any other Places, as shall seem good to the said Master, paying still the Toll and Customs which of Right shall be due. Which we will acknowledge gratefully upon the like Occasions. In Witness whereof, We have Signed these Presents, and Sealed them with the Seal of our Town.

Will. Godolphin.

*Don Pedro Fernandez del Campo
y Angulo.*

PETITION. I *Don Brian Johnson*, Consul of the *English* Nation, in the best Form I can, do Declare, That his Majesty hath been pleased to dispatch divers *Cedulas* or Grants in favour of the said Nation, whereby they may have a particular Judge Conservator, that may take Cognizance of their Causes, as well being Plaintiffs as Defendants of the said Nation; and in the Articles of Peace, in the Ninth Article, and the Thirty eighth, it is expressly Ordered and Agreed, that they should be kept with all the Exemptions granted to the said *English* Nation, together with the Rights and Privileges granted to any other Nation whatsoever, or to the *Hans-Cities*: As also doth appear by another Cedula set forth by the Queen our Lady; and these *Hans-Towns*, have the Privilege of a Judge Conservator, being either Plaintiffs or Defendants, as the said *English* Nation hath, as appears by a Copy of the said Cedula, and the Cedula which I now Present or Swear to: Given in *Madrid* the Twentieth Day of *March*, in the Year, One thousand six hundred and seventy: I intreat your Lordship therefore, to Command the said *Cedulas*, and Articles of Peace be Perused, and to Order, that they be Observed and Executed in all respects; Let those of the *English* Nation, be either Plaintiffs or Defendants, providing as much as may be in Favour of the said Nation: I ask Justice, &c.

Don Brian Johnson. Lic.

D. Juan de Oliver.

The Queen Governess.

CEDULA. **F**OR as much as the Merchants of the *English* Nation, which Trade in the City of *Sevilla*, have Represented, That they receive many Vexations from the Ministers which Reside therein, Contravening the Articles between this Crown and that, humbly In-

Intreating me, that for the Future they may not be Prejudiced in any thing that hath been Agreed to, or Ordered in the Articles of the Peace, and that I would Order the necessary Dispatches to be given for the Observance thereof: As also that the Cédulas which the King my Lord (now in Glory) granted them, in the Year, One thousand six hundred and forty five, may have their full Force and Vigour, as being Part of the last Treaty adjusted between me, and the most Serene King of *Great Britain*, as is referred to in the Ninth Article, I have Consented thereunto: Wherefore I Order and Command the President of the Court of Degrees of the City of *Sevilla*, and all other Ministers thereof, to whom belongs the Performance of the one and the other, that in all respects whatsoever, they inviolably Execute all what is contained in the said Articles of Peace, and granted by the Cédula referred to, whensoever they are required by them, or Authentick Copies, without going against the Tenor thereof in any wise, for such is my Will. Given in *Madrid*, the Twentieth of *March*, One thousand six hundred and seventy.

I the Queen.

D. Diego de la Torre.

I Don *Brian Johnson*, Consul of the *English* PETITION.
 Nation, appear before your Lordships, and say: That it is convenient for the said Nation, that *Andrez Perez de Mansilla*, Notary of the Government of this City (before whom were published the Articles of Peace, which were adjusted in the Year One thousand six hundred seventy and seven, between this Crown and that of *England*) do give a Copy of the Ninth, and Thirty eighth Articles, wherefore I desire your Lordships, and humbly Intreat, that you cause to be Issued out your Compulsory Mandate, to the end, that
 the

the said *Andrez Perez de Mansilla*, may give an Abstract of the said Articles : I ask Justice.

Don Brian Johnson.

The ACT. **T**HAT the said *Andrez Perez de Mansilla*, do give, on the behalf of the said Consul, an Authentick Copy, attested in due Form, of the Two Articles of the Peace, which this Petition refers to, and that this Act serve for a Mandate. His Lordship *Don Rodrigo Serrano y Trillo*, of his Majesties Council, President of the Royal Court of this City, Judge Conservator of the *English* Nation, has Ordered it in *Sevilla*, the Thirteenth Day of the Month of *September*, in the Year, 1670.

*Don Rodrigo Serrano
y Trillo.*

Before me,

Juan Gonzales de Avellaneda.

Certificate.

A*Andrez Perez de Mansilla*, Notary Publick for our Lord the King, and for the Government of this City, do Certify, that by the Registers of Publick Acts made upon what hath been Adjusted, and Concluded between this Crown and that of *England*, for Renewing the Articles of Peace, and Commerce, which were Published in this City, the Twenty ninth Day of the Month of *December*, in the Year, One thousand six hundred seventy seven, by Virtue of the Cedula from our Lady the Queen, directed to the Count de *Humanes*, who was then Governor, and Colonel of the Forces in this City and its Districts, and which Copy, Authorised and Compared, is in the said Acts, and with them a Copy for the Continuation and Renewing of the Peace and Amity between the Two Crowns of *Spain* and *Great Britain*, Printed in Quarto, which is that which was remitted to *Madrid* with the said Cedula, and is the same which was Published in this said City, and in the publick Places thereof, and amongst the Articles of the said Treaty of Peace there are

are Two, the one Number Nine, and the other Number Thirty eight, which are of the Tenor following, viz.

THAT the Subjects of the King of *Great Britain*, Trading, Buying and Selling, in any of the Kingdoms, Governments, Islands, Ports or Territories of the said King of *Spain*, shall Hold, Use, and Enjoy, all the Privileges and Immunities which the said King hath Granted and Confirmed to the *English* Merchants, which reside in *Andalucia* by his Royal Cedula or Orders, made the Nineteenth of *March*, the Twenty-sixth of *June*, and Ninth of *November*, One thousand six hundred forty and five: His Catholick Majesty by these Presents Ratifying the same, as part of this Treaty between the two Crowns, and to the end that it may be manifest to all People, he hath consented that the said Cedula, as to their entire Substance be brought, Transferred and Incorporated in these present Articles, in the name and in the behalf of all and every of the Subjects of the King of *Great Britain*, Residing and Trading in any Part whatsoever, within the Dominions of his Catholick Majesty.

IT is Agreed and Concluded, That the People and Subjects of the one and the other of their said Majesties, shall have and enjoy in their respective Lands, Seas, Ports, Roads, Coasts, Territories, and Places belonging to each other, the same Privileges, Securities, Liberties and Immunities, as well touching their Persons, as their Trade, which have been given, or shall be given by one or the other Part, to the most Christian King, or the States General of the *United Provinces* of the *Low Countries*, or to the *Hans-Cities*, or any other Kingdom or State whatsoever, and that it be with all the Clauses and Circumstances in their favour, in as full, ample and

bene-

beneficial a manner, as if the same was here particularly referred unto, and inserted.

As is manifest and appears from the said Treaty of Peace and Amity, between this Crown and that of *Great Britain*, which now remains in my Custody, to which I refer myself; and that it may be manifest, in virtue of the Act pass'd by Don *Rodrigo Serrano y Trillo*, of his Majesties Council, and his President in the Royal Court of this City; and at the Request of Don *Brian Johnson*, I have given these Presents in *Sevilla*, the Fifteenth Day of the Month of *September*, One thousand six hundred and seventy. In Testimony of the Truth,

Andrez Perez de Manfilla.

Certificate.

I *Anthony Gonçales de Avellaneda*, Notary for our Lord the King, and of the Reports in the Royal Court of this City, and Chief Notary of the Deputy Governors Court of this City, Don *Thomas de Ona*, and of the Conservatoria of the *English* Nation, whereof Doctor Don *Rodrigo Serrano y Trillo*, of the Council of his Majesty, and his President in this Royal Court, is Judge Conservator, do Testify, That on the Part of the Consuls of the said Nation of this City, and of the *Canary-Islands*, there was Presented before the said President a Petition, the Tenor whereof was a Testimony of the Privileges Granted to the said Nation by his Majesty the King our Lord Don *Philip* the Fourth (who is in Glory) and of the Commission which he had for the said Conservatorship. Don *Jeronimo de Pueyo Arancill*, of his Majesties Council, who was President of his Royal Court, and of that which now his Lordship Don *Rodrigo Serrano y Trillo*, of the Council of his Majesty, President of this Royal Court, and Judge Conservator of the said Nation, enjoys, which is as follows, viz.

DON

WE Don *Adrian Johnson*, Consul of PETITION.
the *English* Nation, which Trades

in this City, and Don *Thomas Colins*, Consul of the *English* Nation, which Trades in the Islands of the *Canaries*, do appear before your Lordships and say, That at the time which Don *Geronimo del Pueyo Araciel*, was of his Majesties Council, and his President in the Royal Court of this City, being Judge Conservator of the said Nation, it was Ordered, that the Privileges granted to the said Nation by his Majesty King *Philip* the Fourth (now in Glory) should be Printed, which said Privileges were Printed, and Ordered a Certificate thereof should be given, which is what we here produce, and it being Convenient, that a Certificate of the said Privileges with the Cedula of Conservatorship, which said Don *Geronimo del Pueyo* had of his Majesty, and that which your Lordship lately had, be Printed, and delivered to each of us Copies Authorized by the present Notary, that we may have them in our Custody, to make them Known amongst those of the said Nations: Wherefore we desire of your Lordships, and humbly intreat, it may be so Provided and Commanded: We ask Justice, &c.

Don Adrian Johnson.

Don Thomas Colins.

I *Buenaventura Carreto*, in the Name of the *English* Nation, declare, That his Majesty (whom God preserve) hath been Pleased to Grant at my Parties Request, the Privileges contained in the Three Royal Cedula, which before your Lordships I Present; which I Request and Intreat may be obeyed, as his Majesty Commands, and that there be given me by the Present Notary in Form, a Certificate of

C

Com-

Compliance, with the Insertion of the said Cedula, that it may be Printed: I ask Justice, &c.

Bentura Carreto.

Cedula of Privileges granted by his Majesty to the *English* which Reside in *Sevilla*, *S. Lucar*, *Cadiz* and *Malaga*.

DON *Philip*, by the Grace of God, King of *Castille*, of *Leon*, of *Arragon*, of the Two *Sicilies*, of *Jerusalem*, of *Portugal*, of *Navarre*, of *Granada*, of *Toledo*, of *Valencia*, of *Mallorca*, of *Sevilla*, of *Sardinia*, of *Cordua*, of *Corçega*, of *Murcia*, of *Jaen*, of the *Algarves*, of *Algecira*, of *Gibraltar*, of the Islands of the *Canaries*, of the *East* and *West Indies*, Islands and *Terra firma* of the Ocean, Archduke of *Austria*, Duke of *Bourgonna*, Duke of *Brabant*, and of *Milan*, Count of *Apfburg*, of *Flanders*, Lord of *Biscay*, and of *Molina*, &c.

For as much as on the Part of you *Richard Anthony*, Consul of the *English* Nation, by you, and in the name of the Vassals of the King of *Great Britain*, Information hath been given to me, that by means of the Peace, which between this and that Kingdom is Settled, those which do Reside and Commerce in *Andaluzia*, principally in the City of *Sevilla*, *San Lucar*, *Cadiz* and *Malaga*, humbly Intreat me that I would be pleased to Confirm to you the Privileges, Exemptions, and Liberties which Appertain to you, as well by the Articles of the said Peace, as by the Confirmations of them, and other Favours and Indulto's, which the King my Lord and Father (now in Glory) Granted you, and all others whatsoever, that have been Granted by my Crowns of these my Kingdoms of *Castille* and of *Portugal*, Commanding that they be observed and accomplish'd in all, and through all, without any Limitation, and that they may be of more Force, to Grant them anew, with the Qualities, Amplifications, Conditions and Declarations, which may

may be most convenient for you, imposing Punishments upon whom shall contradict them, and not observe them ; and that it may be known what they are, that there be given Copies of them, of what Favour I have Granted them, having a due Regard to the aforesaid, and because that for the Occasions which I have of Wars, you have offered to assist me with Two thousand five hundred Ducats of Silver, Paying One thousand down, and the other Thousand five hundred remaining, in the Month of *April*, of this present Year, for which Don *Francisco Moreno*, with the Intervention of Don *Antonio de Campa-Redondo y Rio*, Knight of the Order of *St. James*, of my Privy Council, and of my Exchequer, in your Name and by virtue of your Power, pass'd a Writing or Obligation in Form, before *John Cortez de la Cruz* my Notary, I have thought fit, and by these Presents, of my own proper Motive, certain Knowledge, and Royal and Absolute Power, which in this part I will use, and do use, as King and Natural Lord, not acknowledging any Superior in Temporals, I confirm and approve the said Privileges of Exemptions, and Liberties which appertain to you, as well by the Articles of the said Peace, as by the Confirmations of them, and the rest of the Favours, Indulto's, which the King my Lord and Father Granted you, and any others whatsoever, which have been Granted by my Crowns of *Castille* and *Portugal*, to the said Vassals in all, and through all, as therein, and in every thing, and in Part thereof is Specified, Contained and Declared, that they may be Firm, Stable, and Valid to you, and be observed to you, kept and fulfilled, because that my Intention and deliberate Will is, that all those of the said Nation may enjoy, and do enjoy them without any Limitation, with Condition, that during the time they shall reside in *An-*

daluzia, the said *English* may not be put upon any Office, or in any publick Post, nor made Guardians, Trustees, nor Collectors, altho' they may be of the Duties of *Alcavalus*, and *Millones*, or other Duties which relate to my Royal Treasury; nor shall they demand from you Loans, or Donatives, nor oblige you to Farm any Rents, nor take your Horses or Slaves.

Free Trade.

And to do you further Favour in Conformity of what is Capitulated in the said Peace, I Will and Permit that you may, and do Trade and Commerce freely, and Sell your Merchandizes and Goods, and Buy those of my Kingdoms, and carry them thence, observing what is Ordained by the Laws and Decrees that Treat thereof, Paying into my Royal Treasury the Duties that ought to be Paid, Prohibiting as I do Prohibit, and Command that they do not take from you by Force any Merchandizes, as Wheat or Barley, although it be for Dispatch of my *Armadas*, Fleets or Galloons, neither for the *Affentistas* nor *Estranqueros*, and the said Privileges shall be as to Wheat and Barley, according to the Tax; and as to other things and Merchandizes, as you shall Covenant and Agree for, without taking them from you till they have Paid you for them, and that they shall not, upon the account aforesaid, give you any manner of Trouble or Vexation.

That there may not be put a Price upon Dry Fish and Salted.

And because that many of you Trade in bringing to the Ports of *Andaluzia*, City of *Sevilla*, and other parts, a great quantity of Bacallao, and other kinds of Fish Dry and Salted, which being the most necessary Provisions that can be, and Creates you a great deal of Cost and Trouble, I Will and Command that you enjoy the Custom of the City of *Sevilla*, in which it is Ordered that those which arrive with any Fish Dry and Salted, there may not be imposed any Rate, but that they Sell at the Price they will, without

without that it be necessary that they manifest it more than to the Ministers which recover my Royal Revenues; and that if the Ships in which they bring the said Bacallao be great that they cannot come up the River, and shall unload them in Barks, the Judge of the Admiralty or any other may not put in the said Barks, any Guards at the Cost of the Owners of them. In like sort I Command that in case it appears that the said Fish is Rotten, and cannot be spent, it be burnt or cast into the Sea, without that by reason thereof, there may be made any Process against the Owners, or Persons that Sold it, or be Imprisoned or Informed against.

And because that the Administrator of the Almonarifargos, and divers other Duties, which are Recovered on Goods and Merchandizes, have been used upon Information given, to Seize the Person they Suspect, which to Men of Trade occasions much Discredit, Costs and Vexations: My Will is, and I Command, that upon the said Informations, they only Proceed against the Merchandizes, and not against the Persons, permitting them, as I do permit them, that they may make, and do make their Defences against the said Vexations.

And whereas, according to One Article of the said Peace, which treats in matter of Religion, notwithstanding that in some Law Suit, it hath been endeavoured that they declare, whether they be Roman Catholicks, or not, Excusing, giving credit to the Oath which they make, as being Parties, or as Witnesses, I Command therefore, that in those Matters, they shall not Meddle with the Natives of the said Kingdom: But that the said Condition be fully Observed, without making them any such Questions, and to the Oath you shall Tender them in Court, the same Faith and Credit shall be given, as

If the Ship in which they come shall unload them in Barks, they may not put any Guards your Costs.

In case it appears to be rotten, may be cast into the Sea, without that therefore be made any Process against them. That in case of a Law Suit against them, they may not be imprisoned

That they be not molested for matter of Religion; nor shall the Article of Peace, which speaks thereabout, be altered.

if they were Natural *Spaniards*, without that upon this Account, they are Molested, or Troubled, or receive any Grievance.

That their Books of Trade be not taken from them.

And by reason that for Justification of some Causes, the Judges and Justices pretend, that the Merchants should Exhibit their Books of Trade, and thereupon they receive Vexation and Trouble, I Command and Will, that the Books of the Merchants of the said Nation be not taken from them, but that they Produce them in their own Houses, to take out the Article which shall be Appointed, without Demanding others, nor may be taken from them any other Papers, upon Punishment of him that shall Contravene herein, to be Chastised according to Law.

That the Merchants Houses shall not be visited, nor demanded the Dispatch or Entry of their Goods.

And because likewise the Merchants enter their Goods in the Custom-house of the City of *Sevilla*, of all the Duties, which, because they are many, is made upon One Sheet of Paper, and Firm'd and Signed by all the Officers, and remains in Possession of the Warehouse-Keeper of the Custom-house, that by Virtue thereof, he may Deliver such Goods as go in Bales, Packs, Trunks and Chests, and after they have taken them out, and put them in their Houses, and Ware-houses, the Head-Waiter of the Custom-house, and the Officers of the half *per Cent.* shall not Search your Houses, nor Goods, causing you Trouble and Vexation, asking of you the Dispatches, it being Manifest that you cannot have them, having left them in the Power of the said Head-Waiter. I Prohibit therefore and Command, that the Houses of the said Merchants, shall not be Visited, nor be Asked of them the Dispatches of their Goods, which doth not remain in their Custody, so that this is to be understood, and is understood of the Houses which are within the Walls of the said City. And that it may be known, those who are of the said Nation, let Copies be given of the said Privileges, and Exemptions which

which Concerns you, and were Granted you, as well by the Articles of the said Peace, as in any other Manner whatsoever; and for the Execution and Accomplishing of all the aforesaid, I Command those of my Privy-Council, and the rest of my Counsellors, Juntas, and Tribunals of my Court, and the Presidents, and Justices of my Courts, as also the Judges, and Justices of the Peace belonging to my House, Court, and Chancery, and the Regent, and Judges of my Court *de Grados* in the City of *Sevilla*, and the Chief Magistrate of the Court thereof, and all Mayors, Governors, Magistrates, and other Inferior Officers, as well of the said Cities of *Sevilla*, *Cadiz*, and *Malaga*, and *San Lucar de Barrameda*, as of all other Cities, Towns, and Places of these my Kingdoms, and Dominions, and Judges, and Justices thereof, of whatever Quality and Condition they may be, to whom principally or accidentally it shall Concern in any Manner whatsoever, the Accomplishing of all that is Contained in this my Letter, that as soon as they shall have been Required herewith, or with a Copy thereof Signed by a Publick Notary (to which shall be Given as much Credit as to the Original) each One for that Part which shall Concern him, Observe and Accomplish, Cause to be Observed and Accomplished, in all, and through all, as is Contained therein, without that in the Whole, or in Part, there be put any Impediment, or other Doubt, or Difficulty that shall Oppose, or Contravene its Tenor, and Form, nor Consent, or Allow that it be Interpreted, Limited, or Suspended in Whole, or in Part, contrary to the *Cedulas*, Provisions, or other Orders for Observance thereof, in that Part which shall relate to each of you, and that they Provide, and Give the necessary Orders for the greater Security of the Favour, which by this my Letter I Grant you, and that at

all Times, this Favour may be Certain and Secure to you, that you may have a Judge Conservator for *Andaluzia*, Principally for the said Cities of *Sevilla*, *Malaga*, *Cadiz*, and *San Lucar de Barrameda*, to whom I shall give sufficient Commission for the Preservation and Accomplishing of the said Privileges, Liberties and Exemptions (which may oblige and compel all and every Person whatsoever, of whatsoever Condition or Quality soever they be) as shall concern the said Nation, as well in those in which they shall be Defendants, as in those in which they shall be Plaintiffs, although the Person which shall Sue them, and of whom they shall be Sued, may have any other Special Judges whatsoever, as well by Covenant or Contract which they may have made, as by the Preëminences or Immunities which they may have, because that of the said Causes only the said Judge Conservator may take Cognizance, and no other Judge or Tribunal whatsoever, although it be for any Excess or Notorious Crimes, or in any other Manner and Form whatsoever; and the said Judge Conservator for the present, shall be Doctor Don *Francisco de Vergara*, Judge of my Court of Degrees of the City of *Sevilla*, during the Time that he shall Act therein, and in his Absence Doctor Don *Francisco de Medrano*, Judge of the same Court, who for Matters and Law Suits which shall offer in the said Cities of *Cadiz*, *Malaga*, and *San Lucar*, may Substitute his Conservatorship in the Person that shall be proposed by the said Nation, that they may be laid before, and remitted to him, for the Determination thereof; and of that which shall be so Determined by him, they may Appeal to my Council, and not to any other Tribunal, and because that my Will is, that each one in his time may have Jurisdiction and Special Commission to protect and defend you in all that

Judge Conser-
vator which
shall take Cog-
nizance special
of your Causes.
That the Judge
Conservator
may substitute
his Commis-
sion for Mat-
ters which
shall offer in
Malaga,
Cadiz, and
San Lucar.

is

is contained in this my Letter, and that all of it may be Observed and Accomplish'd in the Form that it is offered to you; I have thought fit to give charge, as by these Presents I give them Charge of the Protection and Defence thereof, and Command them, that they see this my Letter, and the Qualities, and Conditions, and Preëminences, and Amplifications, contained therein, and cause all of it to be observed and accomplished, in the Form accordingly, and in the Manner that is contained therein, and declared, without consenting or allowing that in whole or in part, they may put, or do put any doubt or difficulty therein, and before the said Don *Francisco de Vergara*, and in his Absence before the said Don *Francisco de Medrano*, and not before any other Special Judge, the first Motion shall pass, and be followed in all Causes and Law Suits for what relates thereunto, and cause the same to be Executed, and a Chastisement of the Disobedient; for such is my Will; and that the Cognizance and Determination of all that is contained in this Special Letter, shall concern them, and doth concern them, that they proceed against those that shall be Guilty, Executing on them such Penalties as the Law requires, reserving, as I do reserve to my Council, the Appeals, which by their Acts and Sentences they shall interpose, and not for any other Tribunal, without that any of the rest of my Councils, Tribunals, Courts or Chanceries, or any other Judges or Justices of these my Kingdoms and Dominions, of whatsoever Quality they be, may intermeddle, or do intermeddle therein, neither in the Practice nor Exercise of the Special Jurisdiction, which by this my Cedula I Grant them, be it by way of Excess, Appeal or any other recourse whatsoever; to whom and to each of them I inhibit, and hold for inhibited their Cognizance, and Declare them for Judges

Inhibition of
Courts and
Chanceries.
&c.

In-

That the *English* Nation which reside in the City of *Sevilla* may name in the Commission one of the Judges of the Court of the said City.

That the Judge Conservator may substitute his Conservatorship in the Person which shall appoint the said Nation in the Cities of *Cadix*, *Malaga* and *San Lucar*.

Incompetent thereof, for the whole, and in each thing, and part thereof, Granting them as full and complete Power, and most ample Commission as in Law is required, and is necessary, with their Incidences, Dependencies, Annexities and Connexities; and that after them the said *English* Nation of the said City of *Sevilla*, may Name in the said Commission, one of the Judges of the said Court, whom the said Nation shall think fit; and I command the President, and those of my Privy Council, that presenting before them his Name in case the said Commission be Vacant by Promotion or Vacation of the said Don *Francisco de Vergara*, or Don *Francisco de Medrano*, or in any other Manner, they shall be Dispatcht by him that shall be Named, in the Form accordingly, and as by this my Letter is Ordained: And for the better Performance hereof for time to come, I Grant them Power, Licence, and Authority, that they may Substitute, and do Substitute this Commission for Matters, and Law Suits, which shall offer in the said Cities of *Cadix*, and *Malaga*, and *San Lucar de Barrameda*, in the Person which by you shall be Proposed to them, that they may examine Matters and bring them to Conclusion, and remit them the Law Suits and Causes you shall have, to Determine them in the Form, they shall think fit, and see Convenient for the Security of what is Contained in this my Letter; and I encharge the most Serene Prince, Don *Balthazar Carlos*, my very Dear and Beloved Son, and Command the Infantes, Prelates, Dukes, Marquesses, Counts, Barons, Knights, Esquires, Governors of Castles, Fortresses, and Plains, and those of my Council, President and Judges of my Courts, Officers of my House, and Court, and Chancery, and all Mayors, Governors, Deputy Governors, Justices of the Peace, and other whatsoever Justices and Judges of my Kingdoms, and Dominions, that they Observe to you and Accomplish, and cause to be Observed

served and Accomplished this my Letter, and Favour, which I do Grant you, and against the Tenor and Form thereof, not to Go, nor Act now, nor at any Time, nor by any manner, perpetually, for ever, nor Consent, or Allow that they be Limited to you, or suspended in Whole, or in Part, all its Contents, whatsoever Laws, or Orders of these my Kingdoms, and Dominions, Ordinances, Stile, Use, and Custom of the said Cities of *Sevilla*, *Cadiz*, *Malaga*, and *San Lucar*, and all others, which they have, or may have, to the contrary notwithstanding, for as much as doth concern these Presents, accounting it to be here Inserted and Incorporated, as if it had been Word for Word, and of this my Letter *Geronimo de Canencia*, my Chief Treasurer and Accountant, and my Secretary *de la Media Anata*, is to take cognizance, to whose charge is committed the Account of the said Duty; and I declare, that of this Favour, you have payed the Duty of *Media Anata*, which Imports Thirty and five thousand one hundred fifty and five Maravedis in Silver, which you are to pay every Fifteen Years perpetually, and that being complied with, you shall not have the Power to use this Favour without that it first appears that you have satisfied this Duty, and also that you pay the Judge Conservator you shall Name, the Salary which he shall enjoy by the said Occupation, which is to be manifested by Certificate from the Office of this Duty. Given in *Zaragoza*, the Nineteenth Day of *March*, in the Year, One thousand six hundred forty and five.

I the King.

I *Anthony Carnero*, Secretary of the King our Lord, Ordered this to be Written by his Command.

Lic. Don *Juan Chamacero y Carrillo*.

El Lic. Don *Antonio del Campo Redondo y Rio*.

Dr.

Dr. *Joseph Gonfales*, Register.

Miguel de Olaragiar.

Tomè la Razon.

Geronimo de Canencia.

Obedience.

IN the City of *Sevilla*, the Twelfth Day of the Month of *April*, in the Year, One thousand six hundred forty five, Doctor Don *Francisco de Vergara*, of the Council of his Majesty, and his Judge in the Royal Chancery of the City of *Granada*, having seen the Royal Provision, and Privileges granted to the *English* Nation, which his Majesty hath been pleased to grant them, with which his Worship was required by *Francisco Carreto*, in the Name of the said Nation, his Worship took it in his hand, kissed it, put it upon his Head, and said he Obeyed it, and doth Obey it with the Respect, and Reverence that is due to it, and says, That he is ready to do, and accomplish that which his Majesty by it Commands, and accepts the Title of such Judge Conservator, and firmed it.

Lic. *Don Francisca de Vergara*.

Before me, *Fernando Infantes* Notary.

Decree of the
Court of *Se-*
villa.

MOnday the Twenty Fourth of *April*, the *English* Nation, the Lords the Governor, and General Assembly, Ordered it to be Engrossed, when Offered by the said Nation.

Francisco Carrion de la Serna.

T H E K I N G.

Second Cedula, amplifying and confirming the Privileges granted to the *English* Nation.

TO Doctor Don *Francisco de Medrano*, Judge of my Court of Degrees of the City of *Sevilla*; Know ye, that by One of my Letters and Decrees of the Nineteenth of *March*, of this present Year, I did grant (to *Richard Anthony*, Consul of the *English* Nation,

Nation, and to the Subjects of the Kingdom of *England*, which Reside and Trade in *Andaluzia*, principally in this City, and in that of *Cadiz*, and in that of *San Lucar de Barra-meda*) the Privileges, Exemptions and Licences, which appertain to them, as well by the Articles of the Peace, as by the Confirmation, and other Favours and Indultos, which the King my Lord and Father (now in Glory) granted them, and with the other Qualities, Conditions, Preëminences, and Amplifications in the said Decree declared, for having offered to serve me with Two thousand five hundred Ducats of Silver, according as more largely thereby doth appear, to which I refer my self, and One of the Conditions which I did grant them, was, That I would name and allow them a Judge Conservator for *Andaluzia*, principally for the said Two Cities, and *San Lucar de Barra-meda*, to whom should be given sufficient Commission, for the observance and accomplishment of the said Privileges, Liberties and Exemptions, who should take cognizance of all Causes both Civil and Criminal, which should be brought against them, in which they were made Defendants, that before him should come all Law Suits, and Causes whatsoever which should concern the said *English*, or any other Persons whatsoever, of whatsoever Quality they may be, as well those in which they shall be Defendants, as in those in which they shall be Plaintiffs, although the Persons that shall Sue them may have special Judges, as well by Agreement or Contract, which they may have made, by the Preëminence or Immunity which they may have, because of the said Causes, only shall take special Cognizance the said Judge Conservator, and no other Judge, or Tribunal, although it may be by way of Excess, or in any other Manner or Form whatsoever, and that for the Causes and Suits that shall offer

in

That of the Causes the Judge Conservator, and no other Tribunal, shall take Cognizance.

in the said Cities of *Cadiz* and *Malaga*, and *San Lucar*, may be substituted their Commission in the Person, which by the said Nation shall be proposed, that he may bring things to a Conclusion, and that they be remitted to him to Determine, and of that which the said Judge shall so Determine, they may appeal to my Council, and not to any other Tribunal, and that the time you shall Act in the said Court, you shall be Esteemed as such, and in your Absence, and after you, he whom the said Nation, in the said City of *Sevilla* shall appoint, and because that my Will is, that all this be observed, and accomplished in the Form as is express'd, I have thought fit to give Charge to you, and by this Present do give you Charge of the Protection and Defence hereof, and Command you that you see the said Decree, and the Conditions, Preëminences and Amplifications therein contained, and all of it be observed, and accomplished in Form, accordingly, and after the manner that in the said Decree, and in this my Cedula is Declared, without consenting, or allowing that in the whole or in part, may put or be put, any doubt or difficulty, and before you, and not before any other Judge, at the first Instance shall be brought and followed, all Causes and Law Suits, which thereupon, or any other thing or part thereof, shall be made, and cause Cognizance to be taken of all Causes Civil and Criminal, in which they shall be Prosecuted, or against them shall be attempted, and before you shall be brought whatsoever Law Suits and Causes which shall concern the said *English*, between whatsoever Persons, or whatsoever Quality they may be, and the Execution, and Chastisement of those that shall disobey; because that my Will is, that the Cognizance and Determination of all that is contained in the said Provision, and in this my Cedula of Amplification, specially

That in the first Instance shall be brought and followed Law Suits before the Judge Conservator, made in *Zaragoza* the 26th of *June*, 1645.

ly shall and do concern you, proceeding fully against those that shall be Guilty, executing upon them the Punishments you shall find by Justice due to them, without that any of the Tribunals, Courts of Chancery, or any other Judges, or Justices of my Kingdoms and Dominions of *Castille*, of whatsoever Quality they may be, may intermeddle, or do intermeddle herein, neither in the use nor exercise of the special Jurisdiction in the said First Instance, which by this my Cedula I grant you, be it by way of Excess, Appeal, or any other Recourse or Manner, to whom, and to each of you, I inhibit, and hold for inhibited their Cognizance, declaring you for Judges incompetent thereof, as for the whole, and every thing, and part thereof, and I grant you the most full and complete Power, and most ample Commission, as by Law is required and necessary, with their Incidences, Dependencies, Annexities and Connexities, and that after you, the said *English* Nation of the said City of *Sevilla*, may have power to name in the said Commission, One of the Judges of this Court, whom the said Nation shall think fit, and I command those of my Privy-Council, that presenting before them his Name, the said Commission being vacant by Promotion or otherwise, him who shall be named, shall have his Dispatches in due Form, according as in this my Cedula is ordained, and that it may the better be accomplished all that is contained in the said Decree, and in this my Cedula, I grant you Licence, Power and Authority, that you may substitute, and do substitute this Commission for Matters, and Law Suits that shall offer in the said Cities of *Cadiz*, *Malaga* and *San Lucar*, in the Person that by the said Nation shall be proposed to you, that he may conclude Matters, you remitting to him the Termination thereof, in the Form you shall think fit, such as may be
for

for the Security of the said Decree, and that all may be observed in the Form, which by it is ordained and commanded, any Laws and Pragmaticas of my said Kingdoms, and Dominions, Ordonnances, Stile, Use and Custom, or any thing whatsoever, to the contrary notwithstanding: All which, and for as much as relates to these Presents, I dispense with, abrogate, and derogate, make void and annul, count for nothing, and of no value and force, and that these Presents remain in full Force and Vigor for the future. Done in *Zaragoza*, the Twenty sixth of *June*, in the Year, One thousand six hundred forty and five.

I the King.

By Command of our Lord the King.

Antonio Cannero.

DON Philip, by the Grace of God, King of *Castille*, of *Leon*, of *Arragon*, of the Two *Sicilies*, of *Jerusalem*, of *Navarra*, of *Granada*, of *Toledo*, of *Valencia*, of *Galicia*, of *Majorca*, of *Sevilla*, of *Sardinia*, of *Corçega*, of *Murcia*, of *Jaen*, of the *Algarves*, of *Algecira*, of *Gibraltar*, of the Islands of *Canary*, of the *Indies East and West*, Islands and *Terra firma* of the Ocean Sea, Archduke of *Austria*, Duke of *Borgogna*, of *Brabant*, and *Millan*, Count of *Apfurg*, of *Flanders*, of *Tirol*, of *Barcelona*, Lord of *Biscay*, and *Molina*, &c.

That the Articles of Peace be kept and observed.

For as much as by my Letter and Decree of the Nineteenth of *March*, of this present year, I did Grant to you, the Subjects of the King of *Great Britain*, who reside in *Andaluzia*, a Confirmation and Approbation of the Privileges, Cedula, and Franchises which were Granted you by the Crowns of *Castille* and *Portugal*, and Commanded that they should be kept, and observed to you the said Articles

Articles of Peace, made between my Crowns and that of *England*, and that by my other Cedula of the Twenty sixth of *June* of the same year, you may Name a Judge Conservator, that shall take Cognizance of all your causes Civil and Criminal, as well in those in which you shall be Plaintiffs, as in those in which you shall be Defendants, with other Conditions, Amplifications, and Preheminences, in the said Decree and Cedula contained, referring my self to the Tenor thereof.

And now on your part, relation having been made to me, that having Presented the last Cedula in the Assembly of the Court of Degrees of the City of *Sevilla*, a Copy thereof was ordered to be given to Don *Juan de Villalva*, my Fiscal of the said Court, who kept it in his Possession from the Fifteenth of *July*, without having Answered it till now, which hath hindred and deprived you of the Benefit and Performance of the said Decree and Cedula, to your great Prejudice, and Detriment, although by what is ordained thereby, the Judge Conservator ought to take Cognizance of all Causes, Civil and Criminal, as well being Plaintiffs as Defendants, with any Person whatsoever you should Trade with, your intent being only to injoy the said Privileges and Judge Conservator, when there should be any Law Suits between those of your Nation, whether you be Plaintiffs, or Defendants, and whether the Causes be Civil, or whether they be Criminal, and when the Suits shall be with *Spaniards*, or with other Persons of different Nations, the Conservator is to take Cognizance so far only of the Causes in which you shall be civilly or criminally Prosecuted as Defendants, and not in which you shall be Plaintiffs, humbly intreating me, that whereas in this particular you have waved and desisted from the said Privilege before *Alonso de Alarcon*, that I would be pleased to declare it, with the Conditions, Amplifications, and Preheminences, as may

D

be

be most convenient for you, and shall be most necessary for the greater Force of what is insisted, of what my Pleasure shall be; and because that for the Service of the Wars, you have offered to assist me with One thousand five hundred Ducats in Silver, payable at certain prefixed days, I have thought fit, and by these Presents I Will and Declare, That when the Suits shall be between those of your Nation, whether you be Plaintiffs or Defendants, or the Causes shall be Civil or Criminal, you shall enjoy the said Privilege and its Conditions: And when the said Suits shall be with *Spaniards*, or with other Persons of divers Nations, that the Judge Conservator shall take Cognizance, and do take Cognizance only of the Causes in which you shall be civilly or criminally Defendants, and not when you shall be Plaintiffs.

The Judge Conservator to take Cognizance of Causes between *Englishmen*, both Plaintiffs and Defendants; but when the Cause is with *Spaniards*, or other Nations, then only to take Cognizance in behalf of the *English* as Defendants.

*That the Duties of Millones which are recovered of Bacallao, dry and fresh, and other Goods be recovered of those that consume them.

And because that the Duties of Excise of *Millones, which are imposed on Bacallao Dry and Fresh, Pilchards, Herrings, and Salmon, and other kinds of Fish, Fresh and Salted, it was ordered that it should be recovered of those which consume it; and by reason the Farmers of these Duties, and Judges which take Cognizance of these Causes, do occasion you great Grievances, and oblige you to pay Two hundred Maravedis for each Quintal of Bacallao, and accordingly on other sorts as are permitted, and upon the arrival of the Ships at the Ports of *Malaga*, *Cadiz* and *San Lucar*, they oblige you to declare the quantity of Fish you bring, charging you by the great for the whole, obliging you to the payment thereof, as Money due to me, and oblige you to the payment thereof in Four Months of what it amounts to which is unjust, because that those who buy these Kinds, are Clergy-men, Fryers, Monks, and other Persons which have Privileges and Habits, Mayors, Aldermen, and Common-Councilmen, for which cause the Farmers of these Duties will not recover them of such, but recover them of you for the whole,

whole, without considering the quantity they steal from you, that which is Rotten, and what you spend in your own Families, and if you insist on the recovery thereof of such Persons, they treat you ill, and do not pay you ; therefore I Will and Command, that this Duty be recovered of the Buyers and Consumers, and that the Farmers put a Person for their account, that may recover the same, as is done in the Revenues of Alcavala and Almoxarifazgo, with this Condition, that you be obliged, as I oblige you, that you shall Register all the said kinds of Fish aforesaid, as you are obliged to do, according to the general Dispatches, without that this may be in any manner avoided.

And because from the Visits which the Farmers of Duties make you, there results a great deal of Trouble, I will and Command, that in the Cities of *Malaga*, *San Lucar* and *Cadix*, be observed to you, and kept the Privilege, that they may not Examine the Merchandizes which are in your Houses, according to what is ordered and commanded by the said Decree, of the Nineteenth of *March* of this present Year, being the same which is granted to those who reside in the City of *Sevilla* : And likewise I Command that the said Search may not be made by any Farmer, if in the Custom-house you have paid all the Duties, and that this be observed to you, and accomplished inviolably.

And because that all Ships that come to these my said Kingdoms, from those of *England*, *Ireland*, and *Scotland*, the Minister of the Contrabands, and of the Almoxarifazgo upon searching them, as they enter the Ports, cause great Vexations, and Trouble to the Masters of them, and shut up the Holes and Hatches of the said Ships, deferring the visiting them Eight or Fifteen Days, putting Waiters aboard at the Cost of the Masters, who they will have to Maintain them, and make them Presents, I command

That their Houses may not be search'd, nor the Entries of their Merchandizes be demanded.

That they may not put in the Ships Waiters at the Cost of the Masters or Owners ; and that they shall visit them within 3 Days.

the said Ministers, as well of the Contraband, as those of Almojarifazgo, and every of them, that within Three Days they shall and do make the said Visit, without putting Waiters aboard them, or taking any Duties by reason thereof, and if they shall put them, it shall be at the Cost of the Chief Almojarifazgo, and the Admiralty, since you owe nothing: And when there shall come into the said Ports of *Malaga*, *Cadiz*, and *San Lucar*, any Ship with Provisions, or Merchandizes, neither at the time of the Visit, and of the Unloading, nor at any other, as aforesaid, I order that the Judges and Officers of the Contraband, nor Admiralty, nor any others, may not put, or do put in them Waiters at the Cost of the Masters or Owners, nor do give you any Trouble, either the one, or the other upon that account, according to what is ordered in the Fourth Article of the Institution of the said Admiralty, by which is exprest, relating thereunto, for the Satisfaction of the Waiters and other Officers, in the Eighth Article of the Peace, in which it is ordered, That the Vassals of the one King in the Territory of the other, shall be treated as the Natives themselves, in whose Ships never are put Waiters at the Cost of the Masters, or Owners thereof.

That shewing
Bills of Lading
for the Mer-
chandizes,
they may not
be obliged to
anything else,
and that the
Masters com-
ply with pro-
ducing their
Manifest
within the
3d day of
their Arrival
in the Port.

And because also, that the Officers of the Contraband in the said Ports, as soon as the Ships cast Anchor, demand of the Masters their Manifest, and if they do not find in it the Merchandizes that come Consigned to you, they give you Trouble, although you have the Bills of Lading that the Masters have signed for them, to deliver them according to their Consignment, in which you receive a great deal of Damage, because that the best Instrument you can have is the Bills of Lading, because that by them, you may oblige them by Justice to deliver you your Goods, and if the Masters by neglect or malice, do not write them in the said Manifest,

fest, it is not just that they execute the Punishment upon the Owners of the Goods, but upon the Masters and Ships, and in so doing, the Manifest shall be always Justifiable. Wherefore it is my Will, and I declare, That the Masters do comply with exhibiting their Manifest, within Three Days after their Arrival in the said Ports, and I command, That by reason hereof, the Owner of the Goods shewing the Bill of Lading, you may not give him any Trouble, or Molestation whatsoever.

And because likewise the Judges for Exportation, and other Officers, cause you much Trouble and Vexation if they find in the Ship any Money, and it being necessary that the Masters have a Sum according to the Tonage, to buy Sails, Cables, Anchors, and other necessary Stores, I give Licence and Permission, that having first made a Register, as is usual, every Ship may have Three pieces of Eight for every Ton, for the said Purpose, and not for any other, without therefore that upon that account they be put to any Trouble.

That having made a Register, every Ship may have three pieces of Eight for every Ton.

And because, that also they of the Excise Office of the said City of *Sevilla*, occasion you Trouble, Vexation, and Law Suits, saying, That there is an Order that you shall Manifest the Butter, Leather, and other Merchandizes, and Provisions, and that you declare the Price you Sell them at, and to what Persons, by which means it is Two Years since, that you have not brought any Butter to the said City, and the Order doth not relate to the Strangers that bring these Goods, and Provisions by Sea, but only with the Retailers that go to buy them in the Ports, and bring them to the said City to gain by them, I declare, That you have no Obligation to make the said Manifest and Declaration, nor can they be obliged thereby to make them, nor to make a Process against you, and if they do, I command they be

That they may not be obliged to manifest Butter, Leather, nor other Merchandizes in the Excise Office.

remitted to the Judge Conservator to determine them.

That their Houses may not be taken from them till their Leases be complied with.

And because that many times you have taken Leases of the Houses in which you live, and keep your Merchandizes, and while you are in them Persons of great Authority take them from you, before your Lease is expired, because they be large and stand where Trade is, and oblige you to remove the Goods, whereby they are Damaged and Stolen from you; I will, and command, That during the time of your Lease, the said Houses may not be taken from you by any Person, although he may be a Judge, and have a particular Privilege.

And that all this may be certain and secure, I command the Regent, and Judges of my Court of Degrees of the City of *Sevilla*, and the Judges of the Courts thereof, and my Governor of the said City, and his Deputy, and the other Judges and Justices thereof, and of others whatsoever Cities, Villages, and Places of my Kingdoms, and Dominions of my Crowns of *Castille*, to whom principally, or accidentally shall concern what is here contained, that all Causes which shall be depending, in which you shall be Defendants, being of the qualities in this my Letter contained, that they may provide and give order, that they may be remitted presently to the Judge Conservator, as I have named you, in the posture they shall be, though they may have been begun before, or after my said Decree of the Nineteenth of *March*, of this present Year, together with the said Decrees, and Cédulas (notwithstanding it having been ordered by my said Court of Degrees, to give a Copy thereof to my said Judge) without making therein any Excuse, Reply, Doubt, or any Difficulty whatsoever; and I command, that they do not intermeddle, nor may intermeddle in any thing concerning what is contained in the said Decree, and Cédulas, and in this my Letter, but that they observe, and fulfill, and cause

That the Suits which shall have been begun before or after the Cédula of the 10th of *March*, be remitted to the Conservator, they being Defendants.

cause to be observed, and fulfilled, and executed in all, and through all, as therein is contained, and that each of you, in that Part which shall Concern him, do cause them to be put in true and due Execution effectually, so as in all respects it may be complied with, without that it be Necessary to have further Recourse to me hereupon, whatsoever Laws, and Pragmaticas of these my Kingdoms and Dominions, Ordinances, Stiles, Use and Custom, which they have, or might have, to the contrary notwithstanding; with which, for as much as relates to these Presents, I dispense, abrogate and derogate, make void and null, and give for no value and effect, these Presents remaining in full Force and Vigour for the future, and of this my Letter, the Clerks of my Royal Treasury are to take notice, and I declare, That for this Grant, you have Paid the Duty of the Media anata. Given in *Valencia*, the Nineteenth Day of *November*, in the Year, One thousand six hundred forty five.

I the King.

Antonio Carnero, Secretary of our Lord the King, caused this to be Writ by his Command.

Dr. Don Juan Chumazero y Carrillo.

Don Antonio de Campo Redondo y Rio.

Don Joseph Gonçales, Register.

Miguel de Oliariga, Deputy of the High Court of Chancery.

Miguel de Oliariaga.

For this Confirmation, hath been payed to the Media anata, Twenty one thousand nine hundred and three Maravedis Silver, and are to pay the same Quantity for ever, every Fifteen Years: and of this Duty, there shall be an Account in the Office of the said Duty. Taken an Account thereof, by *Geronimo de Canencia*.

Account of his Majesties Cedula, written in the Two Leaves before this, by *Pedro de Leon*.

Taken an account of his Cedula, written in the Two Leaves before this. *Martin de Medina Lasso de la Vega*.

IN the City of *Sevilla*, the Fourth Day of the Month of *September*, in the Year, One thousand six hundred forty and nine, having seen this Petition, and the Royal Cedula, with which it was presented by Doctor Don *Geronimo de Pueyo Araciel*, of his Majesties Royal Council of *Castile*, Governor of the Royal Court of this City, and Judge Conservator of the *English* Nation; his Lordship

took it in his Hands, kissed it, put it upon his Head, and obeyed it with due Respect, as Letters from his King, and his Natural Lord, and commanded to be observed and kept, what therein his Majesty commands, and accepted the Jurisdiction, which thereby is given him, and granted for all the Cases and Effects therein expressed, and is ready to administer Justice to the Parties, and that I the Notary do give Certificates of this Petition, Cedula, and Act to the Party that required it, that it may be Manifest, and the necessary Copies be Printed of the said Certificates, which I the Notary Authorized, so he Ordered it, and Signed it.

Doctor Don Geronimo del Pueyo Araciel.

Before me, Gonçales de Avellaneda, Notary.

According to what is Manifest, and appears by the said foregoing Petition, Cedula and Act, to which I refer my self, and by Command of the said Governor, I have given these Presents in *Sevilla*, the Fourteenth Day of the Month of *October*, in the Year, One thousand six hundred forty nine.

Antonio Gonçales de Anellaneda.

T H E K I N G.

TO Don Geronimo del Pueyo Araciel, one of the Council, and Regent of my Court of Degrees of the City of *Sevilla*, Know ye, that by my Letter and Decree of the Nineteenth of *March*, One thousand six hundred forty and five, I did grant to *Richard Anthony*, Consul of the *English* Nation, and to the Subjects of the King of *England*, who reside and Trade in *Andaluzia*, principally in this City, and that of *Cadiz* and *San Lucar de Barremeda*, that they should enjoy the Privileges, Exemptions and Liberties, which belong to them, as well by the Articles of Peace, as by the Confirmation, and other Grants and Indulto's, which the King my Lord and Father (now in Glory) Granted them, with all the Qualities, Conditions, Preheminences, and Amplifications, in the said Decree declared, as thereby more largely it doth appear, to which I refer my self; one of the Conditions which I then did Grant them was, that I should Appoint, and Grant them a Judge Conservator for *Andaluzia*, principally for the said Two Cities, and *San Lucar de Barrameda*, to whom should be given sufficient Commission, for the observance and accomplishment of the said Privileges, Liberties, and Exemptions, who should take Cognizance of all Causes Civil and Criminal (in which they were Defendants)

which

which against them shall, or should be brought, and before him should pass all the Suits and Causes whatsoever, which should concern the said *English*, or other Persons whatsoever, of whatsoever quality they may be, as well in those in which they shall be Plaintiffs as Defendants, tho' the Persons that shall Sue them, or which by them shall be Sued, may have whatsoever Special Judges, as well by Covenant, or Contract, which they have made, as by Prebeminence or Immunities which they may have, because that of the said Causes only shall take special Cognizance the said Judge Conservator, and no other Judge or Tribunal, although it be by way of Excess, or in any other Form and Manner whatsoever, and that for Matters and Suits which shall offer in the said Cities of *Cadix*, *Malaga* and *San Lucar*, and that they may substitute their Commission in the Person which by the said Nation shall be thought fit, for the ending thereof, and that it may be remitted to him to Determine them, and of what the said Judges shall Determine, they may Appeal to my Council, and not to any other Tribunal, and by my Cedula of the Twenty sixth of *June*, of the Year Six hundred forty five, I gave Commission for all the aforementioned, to Don *Francisco de Medrano*, who was Judge of this Court, according as in the said Decree and Cedula more at large is contained and declared: And now on the behalf of the said *Richard Anthony*, for himself, and the rest of the said *English* Nation, I have been petitioned, That whereas the said Don *Francisco de Medrano* cannot proceed in the Exercise of the said Commission, by my having Promoted him from that Place to be one of the Judges of my Court, and Chancery, which reside in the City of *Granada*, (and that they have named you in his stead) that I would be pleased to Grant you my Cedula, to be fixed in the said Commission, or as I shall see fit; I have thought good for the present you shall assist in that Court, and by your absence, and after you, he whom the said Nation, in the said City of *Sevilla* shall appoint; and I Charge you, and Commit to your Protection and Defence all the aforementioned, and Command that you see the said Conditions, Prebeminences and Amplifications contained in the said Decree, and all of them to be kept in due Form, according, and in the manner, as in the said Decree, and in this my Cedula is Declared, without consenting or allowing, that in the whole or in part may be put, or put any Difficulty, and before your
and

and not before any other Judge, in the first Instance shall be brought and followed all Suits and Causes thereupon, and whatsoever thing, and part thereof shall be made and caused, and to take Cognizance likewise of all Causes Civil and Criminal, in which you shall be Defendants, which against you shall be brought, and before you shall pass, whatsoever Suits, and Causes shall concern the said *English*, between whatsoever Persons of whatsoever Quality they may be, and the Execution, and the Chastisement of the Disobedient that shall oppose it; because that my Will is, That the Cognizance and Determination of all that is contained in this said Decree, and in this my Cedula of Amplification, specially shall concern you, and doth concern you, proceeding in all Matters against those that shall be found Guilty, Executing on them the Punishment you shall find by Law, without that any Tribunals, Courts or Chancery, or any Judges and Justices of my Kingdoms and Dominions, of whatsoever Quality they be, may intermeddle or do intermeddle, either in the Use, or Exercise in the Jurisdiction of the said first Instance (which by this my Cedula I Grant you) either by way of Excess, Appeal, or any other manner of recourse, to whom, and to each of them I Inhibit, and hold for Inhibited their Cognizance, and Declare them for Judges Incompetent thereof, for the whole, and each thing and part thereof, I grant you the most full Power and ample Commission, which by Law is required and is necessary, with its Incidences, Dependencies, Annexities and Connexities; and after, you the said *English* Nation in the said City of *Sevilla*, have Power to name in the said Commission one of the Judges of that Court, whom the said Nation shall think fit; and I command the President, and those of my Council, that presenting his Name before him, the said Commission happening to be vacant by Promotion, or Vacation, or by any other manner, that you give the needful Dispatches to him, that shall be named therein, in Form, according, and as by this my Cedula is Ordained: And that it may be the better accomplished, all that is contained in the said Decree, and in this my Cedula, I give you Licence, Power and Authority, that you substitute, and may substitute this Commission for all Matters and Suits which shall offer in the said Cities of *Cadix*, *Malaga*, and *San Lucar*, in the Person which by the said Nation shall be proposed you, that he may conclude them, and

and that you may remit them to him to determine them, in the Form you shall think fit, and see convenient for Security of the said Nation, and that all be observed in the Form which by the said Decree, and by this my Cedula, is Ordained and Commanded, whatsoever Laws and Pragmaticas of my said Kingdoms and Dominions, Ordinances, Stile, Use, and Custom, and other thing whatsoever may be, or might be, to the contrary notwithstanding: With all which, and for as much as shall concern this, and by these Presents, I dispense therewith, these remaining in full Force and Vigour for the future. Given in *Madrid*, the Twenty second of *November*, in the Year One thousand six hundred forty eight.

I the King.

By Command of our Lord the King,

Antonio Carnero.

IN the City of *Sevilla*, the Tenth Day of the Month of *March*, of the Year One thousand six hundred forty nine, I the Notary made known his Majesties Royal Decree, contained on the other side, to Don *Geronimo del Pueyo Araciel*, of his Majesties Royal Council of *Castille*, and Governor of this Royal Court, and his Lordship having seen it, took it in his Hand, Kissed it, put it upon his Head, and obeyed it with due Reverence, as a Letter and Cedula from his King and Natural Lord; and his Lordship accepted, and doth accept, the Jurisdiction which by it is granted him, and is ready to make use of it accordingly, and as his Majesty commands him, and to administer Justice to the Parties, and so Provided, Commanded, and Firmed these Presents.

Don Geronymo del Pueyo Araciel.

Before me, *Antonio Gonçales de Avellaneda*, Notary.

The Queen Governess.

DON *Rodrigo Serrano y Trillo*, Regent of our Court of Degrees of the City of *Sevilla*, Know, That our Lord the King, which is in Glory, by a Letter of his, and a Decree of the Nineteenth of *March*, One thousand six hundred forty five, did grant to *Richard Anthony*, Consul of the *English* Nation, and to the Subjects of the King of *England*, which reside and trade in *Andaluzia*, principally in this City, and in that of *Cadiz* and *San Lucar*, that the Privileges, Exemptions, and Liberties which concern them, should be observed,

served, as well those granted by the Articles of Peace, as by the Confirmations and other Favours and Indultos of those which my Lord the King, Don *Philip* the Third, (who also is in Glory) gave them, and granted them, with Liberty to name a Judge Conservator, which should cause their Privileges and Preheminences to be observed, and that he should be one of the Judges of the said Court, which the said Nation should name, and in the Form, and with the Qualities and Conditions in the said Decree declared : And by a Cedula of the Twenty sixth of *November*, one thousand six hundred forty and eight, a Commission was past for it to Don *Geronymo del Pueyo Araciel*, who was of the Council, and Regent of our said Court, wherein have succeeded by virtue of his Majesties said Cedula the Regents which, after the said Don *Geronymo*, have been of the said Court : And lastly, By another of the Thirteenth of *July*, One thousand six hundred sixty and four, it was Ordered, that Don *Lorenzo Santos de San Pedro*, of our Council, should continue therein, who also served the said Regency, as more largely in the said Provision and Cedula doth appear, to which we refer. And because that the said Don *Lorenzo* hath been impowered by our said Council, and by our Order is gone to the Islands of the *Canaries*, upon divers Affairs of our Service ; and it being convenient, that there be a Minister that may take care of the Observance of the said Privileges, according to the Grant of our Lord the King to that Nation, trusting that you will act with Rectitude and Integrity, as is convenient, We have thought fit to give you Charge and Commission, as by these Presents We do give you Charge and Commission, for the Protection and Defence of all therein contained ; and We do Command you to see, that the said Cedula of the Two and twentieth of *November*, of the Year One thousand six hundred forty and eight, in which his Majesty gave the said Commission to Don *Geronymo del Pueyo Araciel*, for the said Observance and Preservation of the Articles, Conditions, and Preheminences, which are granted to the said Nation by those his said Privileges, that you Observe, Accomplish, and Execute it, and cause it to be Observed, Accomplished, and Executed, in all and through all, according as if it had been spoken and directed to you from the beginning, as therein is contained, using the said Commission in the Form that he and the rest of your Ancestors (that have holden it) have done and executed, without Limitation, or any Moderation, that for all of it, and whatsoever

soever thing and part thereof, and that shall be annexed to it, and belong thereunto; We give the same Commission, with its Incidences, Dependencies, Annexities, and Connexities; and Declare, that for this Grant you have paid the Duty de la media Anata, which imports Seven thousand five hundred Maravedis; which said Sum shall be paid by those who shall succeed in the said Commission, on account of the Privileges which the said Nation enjoyeth, and for the Use thereof. Done in *Madrid*, the Twenty eighth of *August*, of the Year One thousand six hundred sixty seven.

I the Queen.

By Command of Her Majesty,

Bartolomé de Legaza.

IN *Sevilla* the Thirteenth of *September*, in the Year, One thousand six hundred sixty seven, his Lordship Don *Rodrigo Serrano y Trillo*, of the Council of her Majesty, and her Regent in this Royal Court, having seen the Royal Cedula of her Majesty, whom God preserve, in which his Lordship is named for Judge Conservator of the *English* Nation, his Lordship obeyed, and doth obey it with the due respect, and accepted the Jurisdiction, which by the said Royal Cedula is given him, and is ready to comply therewith, and Firmed it.

D. Rodrigo de Serrano y Trillo.

Before me, *Antonio Gonçales de Avellaneda*, Notary.

All which being seen by his Lordship the said Regent, he made an Act of the Tenor following, *viz.*

IN the City of *Sevilla*, on the Second Day of The ACT.
the Month of *July*, in the Year, One thousand six hundred sixty and eight, his Lordship Don *Rodrigo Serrano y Trillo*, of the Council of his Majesty, and his Regent in the
Royal

Royal Court of this City, Judge Conservator of the *English* Nation, having seen the Petition, and the Testimony of the Privileges, granted to the said Nation, commanded that the said Testimony should be Printed, and the Cedula of Conservatorship from his Majesty, given to Don *Geronymo de Pueyo Araciel*, who was of the Council of his Majesty, and Regent of this Royal Court, Conservator of the said Nation, and that which was given his Lordship for the said Effect, together with this Petition and Act, Signed and Firmed by the present Notary, that printed Certificates thereof should be delivered to the said Consul, for the Effect they require them, in the which, and by Virtue of this Act, his Lordship interposeth his Authority, and Judicial Decree, that it may be Valid, and given Credit to, where they shall be Presented ; and so Ordered and Firmed it.

D. Rodrigo Serrano y Trillo.

Before me, *Antonio Gonçales de Avallaneda*,
Notary.

According to the Tenor of the said Petition, Certificate, and Cedula, That it may appear, I have given the present Certificate, by Order of his Lordship, the Regent, this 8th Day of the Month of *August*, One thousand six hundred sixty and eight, and have set my Seal thereunto.

Antonio Gonçales de Avellaneda.

PETITION. **M**R. *John Bater*, Deputy of the *English* Nation, declares, That soliciting for the said Nation, the searching for a Cedula from his Majesty, and the Lords of his Royal Council of *Castille*, dated the Twelfth of *July*, of the Year past, One thousand six hundred seventy and four, which said Cedula hath reference to Don *Francisco Diaz de Vallecilla*, Judge, which came to this City with a Commission to search after prohibited Goods, and things Exported, wherein it is
Ordered,

Ordered, that the Merchants Books of the said Nation may not be visited. A Copy of the said Cedula hath been found Authorized by *Joseph de Casas*, Notary Publick of the City of *Cadiz*, in the power of *D. Juan de Santa Cruz*, Agent of the said Nation, residing, and an Inhabitant of *Madrid*, who hath delivered it to me with expresse Charge, that I return it to him, to deliver it to him, that gave it him, and that the Copy which I intend to take of the said Royal Cedula, may have all the Comprobatation that is necessary, I desire and intreat your Lordship to order, That the present Notary in this Commission, may take a Copy of the said Royal Cedula, that it may remain in the Secretaries Office of the said Nation, for the cases that may offer, and that the Copy of the said Royal Cedula, may be returned to me, that I may send it back to him, who sent it me. I ask Justice, &c.

John Bater.

THat the present Notary of this City, may take out a Copy of the Royal Decree, that he presented with this Petition, for the Effect he declareth therein, and having so done, return it to this Party, and in the said Copy, his Lordship did interpose, and hath interposed his Authority, and Judicial Decree, as far as the Law permits, it was ordered by *Don Lucas Trelles Villamiel*, of his Majesties Council, and his Elder Judge in the Royal Court of this City, Judge Conservator of the *English Nation*. Done in *Sevilla*, the 6th Day of *July*, of the Year, One thousand six hundred eighty nine.

A C T.

Henrique Luyder.

DON *Carlos*, by the Grace of God, Royal Decree. King of *Castille*, of *Arragon*, of the Two *Sicilias*, of *Jerusalem*, of *Navarre*, of *Granada*, of *Valencia*, of *Galicia*, of *Mallorca*, of *Sevilla*, of *Cerdenna*, of *Cordova*,

dova, of *Corçega*, of *Murcia*, of *Jaen*, Lord of *Biscay*, of *Molina*, &c. the Queen *Donna Mariana de Austria*, his Mother, as his Tutrefs, Guardianefs, and Governefs of the faid Kingdoms and Dominions ; To you Don *Francifco Diaz de Vallecilla*, our Judge in Commiffion for the vifit of Exportations, and things Prohibited in the City of *Sevilla*, and its Diftricts, Send Greeting : Know ye, That the Ambaffador of *Great Britain* hath Represented to us, that you have caufed to be notified to the Merchants of the *Englifh* Nation of this City, that you would fearch and Register, and even mark the Books and Papers of their Traffick and Correspondency, which faid Proceeding hath been a Manifef contravention of what hath been Agreed to by the Articles of Peace, efpecially, in the One and thirtieth Article thereof, in which it was Eftablifhed and Agreed, to all that relates to the faid Books, that they might have liberty to keep them in what Tongue they pleased, and in particular, that the faid Merchants might not be Examined, nor upon any account whatfoever Fined by them, nor the faid Books Regiftred, nor taken from them, upon which occafion, thofe of the faid Nation have had recourfe to Don *Carlos de Herrera Ramirez de Arellano*, Regent of our Court of this City, and Governor thereof, and Judge Confervator of the faid *Englifh* Nation, requiring him as fuch Judge, that he would difpatch his Letter of Inhibition, inferting the aforefaid Article of Peace, that you might defift from your Proceedings, and keep and obferve what is contained in the faid Article, and might not difquiet, and difturb thofe of the faid Nation, as in effect he had difpatched the faid Inhibition, notwithstanding which, you have oppofed and persevered in your firft Intent, and there was Notice, that you were foli-citing a ftronger Commiffion and Authority, to profecute your Intent, in which it feems you had more regard to your particular Interelt, than the Inconveniency which might refult to us, from the faid trouble given the Merchants, and the violating of the faid Treaty, defiring, that we would be pleased to provide a Remedy, and command you, that you would ceafe and forbear your Proceedings, and Pretentions, and comply with the Inhibition I have laid on you, for fuch Publick Concerns ought not to be Sacrificed for Private Ends ; and likewise, that we would fend an Order, that all Judges whatfoever fhall obferve the Articles of Peace between the Two Crowns, and

and that under no Pretence they shall intermeddle, or take Cognizance of the Causes relating to the *English* Nation, nor presume to any Jurisdiction over them, unless it be their Judges Conservators; and the Article which is referr'd to it, having been Perused by our Council, is of the Tenor following, *viz.*

' The Inhabitants and Subjects of the one Part and the other, may in all Parts or Territories, under the Obedience of the said Kings, make use of Advocates, Proctors, Notaries, and Solicitors, which they shall best think fit, to whom they may give Charge of their Law Suits, by Consent of the Judges in ordinary, when it shall be necessary, and the Plaintiffs shall require it; and they shall not be constrained to Exhibit their Books and Papers of Account, to any Person, unless it be to make Proof to avoid Law Suits and Controversies, nor shall they be Attacked, Detained, nor Taken out of their Hands, for any Cause whatsoever, and it shall be Lawful for the Subjects and Inhabitants of the one Part and the other, in the Places where they shall have their Residence, that they may keep their Books of Traffick, and Correspondency in what Tongue they will, in *Spanish, English, Flemish*, or any other, without that by reason hereof they may be Molested, or Examined, with what else is Granted to any other Nation in particular, relating to the said Books of Traffick, or Correspondency; And we having thought good for the said Reasons, that we ought to send you this our Letter, by which we Command you, that upon Exhibiting to you the abovesaid recited Article, that you Observe, Accomplish, and Execute the same in all, and thro' all, as is therein contained, without Contravening it under any Pretext whatsoever, and a Penalty of Twenty thousand Maravedis for our Exchequer; and we Command under the said Penalties any Notary whatsoever, who shall be required to Notifie you with this our Letter, to give you a Certificate thereof. Given in *Madrid*, the Twelfth day of *July*, of the Year, One thousand six hundred seventy and four.

The Count de *Villa Umbrosa*.

Doctor *Gil. de Castejon*.

Don *Alonso de los Rios Angulo*.

Don *Antonio de Riano y Salamanca*.

Don *Martin de Olea*.

(***)

I *Miguel*

I *Miguel Fernandes de Noriega*, his Majesties Secretary of State, and of the Council, ordered this to be Written by his Commands, and with Consent of his Council. Registered by

D. *Pedro de Castaneda*, High Chancellor.

D. *Pedro de Castaneda*.

A Greeth with the Original, which at present remains amongst the Papers of me the present Notary for his Majesty, and the Court, whereof Don *Miguel Garcia de Arce* is Judge, to which I refer my self, from whence was taken the Copy at the Request, and in the behalf of the Merchants of the *English* Nation of this City of *Sevilla*, the Twenty ninth Day of the Month of *August*, of the Year, One thousand six hundred seventy and four, contained in this Sheet of Stamp Paper, and another of common Paper. In Witness hereof I Signed and Firmed it. In Testimony of the Truth,

Juan de la Barrera, Notary.

A Grees with the Original Copy, Signed and Firmed by the said *Juan de la Barrera* Notary, Exhibited before me Don *Carlos Russel*, Merchant of the *English* Nation in this City, to whom I returned it, and he Firmed here his Receipt, and at his Request I Signed and Firmed it in *Cadiz*, the 15th day of *April*, of the Year, One thousand six hundred and eighty.

Charles Russel.

In Testimony of the Truth,

Joseph de Casas, Notary Publick.

A Grees with the Petition, and Act, and Copy of the Abstract drawn of the Royal Decree, to which I refer my self; which I took out by Virtue of the said Act,

Act, and returned the said Copy of the said Royal Decree to Don *John Bater*, Deputy of the *English* Nation, of this City of *Sevilla*, the Fifth of *July*, One thousand six hundred eighty and nine,

John Bater.

Henry Leyder.

THis Copy agrees with the Royal Cedula, Petitions, and Acts from whence it was drawn, and for that purpose D. *Juan Joseph de Pino y Alcala*, Inhabitant of this City, Agent of the *English* Nation, and Merchants which reside therein, did exhibit it before me *Alonso del Pino y Alcala*, Notary Publick of this City of *Sevilla*, and with the said Copy I returned to him all the aforesaid, and the Receipt thereof he hath put his Name to. Done in *Sevilla*, the Fourth Day of *August*, of the Year, One thousand six hundred and ninety.

Signed,

Don Juan Joseph del Pino y Alcala.

Alonso del Pino, Notary Publick of *Sevilla*.

WE the Notary Publicks, of the number of this City of *Sevilla*, who have hereunto Subscribed, do Certifie that *Alonso del Pino y Alcala*, by whom this Copy is Signed and Firmed, is a Notary Publick of *Sevilla*, and that to the Writings and Instruments, which before the abovesaid have passed, and do pass, hath been given and is given entire Faith and Credit in Court and out of it. Done in *Sevilla* the Fourth Day of *August*, of the Year, One thousand six hundred and ninety.

Joseph Lopez Albarran, Notary Publick of *Sevilla*.

Pedro Prieto, Notary Publick of *Sevilla*.

Toribio Fernandez, Notary Publick of *Sevilla*.

This

THis Copy agrees with that from whence it was drawn, which was exhibited to me, by Sir *William Hodges* of this City, Merchant, in order to give an Abstract thereof, to whom I returned it, and he Signed here his Receipt; and at his Request, I have given these Presents, written in Thirty Leaves, with this, the first and last Sheet being Stamp, and the rest Common Paper. In *Cadiz*, the Nineteenth Day of the Month of *September*, of the Year, One thousand six hundred ninety and two.

William Hodges.

In Testimony of the Truth,

Francisco del Solar, Notary Publick.

WE do certifie, That *Francisco del Solar*, by whom this Copy goes Signed and Markt, is a Notary Publick, of the Number of this City of *Cadiz*, Faithful, Legal, and of Trust, and that to his Testimonies and other Dispatches always hath been given, and is given, entire Faith and Credit in Court, and out of it. *Cadiz*, as above.

Pedro de Garnica, Notary.

Juan Galves Trexo, Notary Publick.

Juan Ortiz, Notary.

We

WE the Merchants of this City of *Cadiz*, which have hereunto Subscribed do Certifie, That *Francisco del Solar*, by whom this Copy is Signed and Markt, and the Three which prove him, are all Four Notaries of this City, Faithful, Legal, and of Trust, and that to their Testimonies and Dispatches always have been given, and is given entire Faith and Credit in all Courts. *Cadiz*, as above.

THIS Copy, which consists of Eighteen Leaves with this, agrees with that which was exhibited to me by Mr. *Charles Russel* of the *English* Nation, Inhabitant of this City, to which I refer myself, and I returned him the one and the other, and he hath given here his Receipt, and at his Request I have Signed and Rubrick'd these Presents in the City of *Cadiz*, the Fourteenth Day of the Month of *August*, of the Year, One thousand six hundred ninety five. In Witness of the Truth,

Juan Antonio de Torres, Notary Publick.

THEIR Royal Majesties do mutually promise, that they will faithfully perform and fulfil all and every one of the Articles of the foregoing Treaty, and all Privileges, Concessions, Agreements, or other Advantages whatsoever, arising to the Subjects on either side, which are contained in them, or in the annexed Schedules; and that they will at all times cause the same to be performed and fulfilled by their Ministers, Officers, or other Subjects, so that the Subjects on each side may enjoy the full Effect of all and every one of them, (those only excepted, concerning which something else shall be Established in the following Articles, to the mutual Satisfaction of each Party) and of all those likewise which are contained in the following Articles. Moreover the Treaty of 1670. made between the Crowns of *Great Britain* and *Spain*, for preventing all Differences, restraining Depredations, and Establishing Peace between the said Crowns in *America*, is again Ratified and Confirmed, without any Prejudice however to any Contract, or other Privilege or League granted by his Catholick Majesty to the Queen of *Great Britain* or her Subjects, in the late Treaty of Peace, or in the

E Contract

Contract of *Affiento*, as likewise without Prejudice to any Liberty or Power, which the Subjects of *Great Britain* enjoyed before, either through Right, Sufferance or Indulgence.

II.

The Subjects of their Majesties, Trading respectively in the Dominions of their said Majesties, shall not be bound to pay greater Duties, or other Imports whatsoever, for their Imports or Exports, than shall be exacted of, and paid by the Subjects of the most favoured Nation; and if it shall happen in time to come, that any Diminutions of Duties, or other Advantages shall be granted by either side, to any Foreign Nation, the Subjects of each Crown shall reciprocally and fully enjoy the same. And as it has been Agreed, as is above-mentioned, concerning the Rates of Duties, so it is Ordained as a General Rule between their Majesties, that all and every one of their Subjects shall, in all Lands and Places subject to the Command of their respective Majesties, use and enjoy, at least the same Privileges, Liberties and Immunities, concerning all Imposts or Duties whatsoever, which relate to Persons, Wares, Merchandize, Ships, Freight, Mariners, Navigation and Commerce, and enjoy the same Favour in all things (as well in the Courts of Justice, as in all those things which relate to Trade, or any other Right whatsoever) as the most favoured Nation uses and enjoys, or may use and enjoy for the future, as is Explained more at large in the 38th Article of the Treaty of 1667. which is specially inserted in the foregoing Article.

III.

Whereas by the Treaty of Peace lately concluded between their Royal Majesties, it was laid as the Basis and Foundation of the said Treaty, That the Subjects of *Great Britain* should use and enjoy the same Privileges and Liberty of Trade throughout all the Dominions of *Spain*, which they enjoyed in the Time of *Charles* the Second: And therefore the same Rule is likewise and ought to be the Basis and Foundation of the present Treaty of Commerce (which is understood to extend reciprocally to the Subjects of *Spain* Trading in *Great Britain*,
in

in regard to whatsoever, by Agreement, belongs to them:) And whereas a certain, clear, and expeditious Method of paying the Duties is of the greatest use in settling Trade upon a good Foot, and to the mutual Advantage of each Nation; It is therefore Agreed and Concluded, That within the space of Three Months from the Ratification of this Treaty, Commissaries appointed for that purpose by their respective Majesties, shall meet on the Part of each of their Royal Majesties, either at *Madrid* or *Cadiz*; By whom a New Book of Rates shall, without any delay of time, be made, which Book of Rates shall be Published in every Port, and shall contain, and severally express the Duties which are hereafter to be paid for Wares brought into, or carried out of *Castile*, *Aragon*, *Valencia*, and *Catalonia*, and shall settle them in such a manner, that all the different Imposts which, in the Time of the late King *Charles* the Second were paid under several Names, and in different Custom-houses, for Wares entering into or going out of the Ports of *Spain*, (the Kingdoms of *Aragon* and *Valencia*, and the Principality of *Catalonia* being comprehended therein, *Guipuscoa* and *Biscaya*, of which mention shall be made hereafter, only excepted) shall be put together and be contained in one Duty, and payable only in one Sum.

But whereas the *British* Ambassador made pressing Instances, that it might be given as a Rule to the said Commissaries, that no greater Duties, or other Imposts whatsoever, should be made payable in any Port, wet or dry, in his said Catholick Majesty's Dominions by the said New Book of Rates, than what were paid in the Custom-houses of the Port of *St. Mary's* or *Cadiz*, in the Reign of the late King of *Spain Charles* the Second; the Ambassadors of *Spain* have Consented, and it is Agreed and Stipulated, That that Rule shall be observed in those very Ports of *Cadiz* and *St. Mary's*; So that all Augmentations of Duties which were introduced in the said Ports after the Time of *Charles* the Second, on occasion of the War, or under the Title of *Habilitation*, or any other whatsoever, ceasing and being taken away, the *British* Subjects shall not, before or after the said Book of Rates is settled, be bound to pay any greater Duties, of what sort soever, or under what name soever, for their Imports or Exports in the Ports of *St. Mary's* and *Cadiz*,

dix, than what were paid there in the Time of King *Charles* the Second.

Moreover in regard to the Ports of *St. Mary's* and *Cadix*, the said Commissaries shall be strictly enjoined not to make the New Book of Rates according to the Old Indexes of Duties, which, by reason of the exorbitant Rights that were appointed to be paid by them, ceased to be in use in the Time of *Charles* the Second, but shall follow the Tenor of those Indexes only, (which whether they were commonly called *Arancel* or *Registers*) shall be found to have subsisted in the Time of King *Charles* the Second, and to have been the Rule by which the Duties were then paid.

And it is further Agreed, That the Subjects of *Great Britain*, having paid these Duties for their Wares in the said Ports, to wit, those, until the New Indexes are made, which were paid in the Time of *Charles* the Second, or else such as shall be made payable by the said New Book of Rates, shall have Liberty to Transport the said Wares, either by Sea or Land, into any other Port or Place of the aforesaid Dominions of *Spain*, nor shall the Duties which were paid before be re-exacted on that occasion.

Moreover for preventing all Disputes, which (notwithstanding the exact Administration of Justice in *Spain* in all other respects) have formerly arisen concerning other Duties, which, to the great Prejudice of Trade and Traders, have been exacted formerly; It is Agreed, That Wares which have paid the Duties in the manner aforesaid at *Cadix*, or the Port of *St. Mary's*, and are Transported in order to be sold by wholesale, shall be free and clear from any other Duty whatsoever, throughout all *Spain*, provided however, that the Proprietor of the said Wares or Factors brings Certificates, that the Duties were duly paid in the manner aforesaid, otherwise such Wares shall be looked upon as fraudulently Transported. But as to the Payment of the Rights commonly called *de Alcaualos*, *Cientos*, and *Millones*, it is Agreed, That it shall be Regulated according to the Fifth and Eighth Article of this Treaty.

But because the *Spanish* Ambassadors are persuaded, that the Duties in every Port of *Spain* cannot be reduced to the same Rule with those which are or may become customary

tomary in *Cadiz*, or the Port of *St. Mary's*, without Violating the Laws of *Spain*, and several Privileges there which have the Force of Laws, nor without the too great Prejudice of their King and Master; It is therefore thought proper to leave this Matter to the Determination of the Commissaries who shall be appointed to settle the New Book of Rates.

But his Catholick Majesty promises, That he will immediately take off all Augmentations of Duties in the said Ports, which have been introduced there since the Time of *Charles* the Second, on occasion of the War, or under the Title of *Habilitations*, or any other whatsoever, and that either the same Rule shall be observed in those Ports, which is Agreed to in the Ports of *St. Mary's* and *Cadiz*, or else at least that the same Rule shall be observed, as well before as after the said New Book of Rates shall be made, which had obtained in each respective Port in the Time of King *Charles* the Second; So that hereafter no greater Duties shall be Exacted there, or in any other Place of Passage, than what were paid in the said Places in the Time of *Charles* the Second. In the same Places shall be likewise observed what has been above appointed in this Article concerning the Rights *de Alcabalas*, *Cientos*, and *Millones*.

As to the Ports of *Guipuscoa* and *Biscaya*, and others, not subject to the Laws of *Castille*, in which less Duties were paid in the Time of *Charles* the Second, than at *Cadiz*, or in the Port of *St. Mary's*, his Catholick Majesty promises, That those Duties shall not be augmented in the said Places by the New Book of Rates, but shall, in the mean time, remain as they were in the Time of *Charles* the Second. All Wares, however brought into the Ports of *Biscaya* and *Guipuscoa*, which shall afterwards be carried by Land into the Kingdoms of *Castille* or *Aragon*, shall be bound to pay such Duties in the Port where they first enter the said Kingdoms, as were paid there in the Time of King *Charles* the Second, or else such as shall be Established by the New Book of Rates.

IV.

The Catholick King consents and promises, That for the future, it shall always be lawful for the Subjects of

Great Britain, Living in the Provinces of *Biscaya* and *Guipuscoa*, to hire Houses or Ware-houses fit for the Preservation of their Merchandise, and his Majesty will, by renewing his Orders to that purpose, take effectual Care that it shall be in their Power to do this in the like manner, and with the same Privileges, with which the said *British* Subjects, by virtue of the aforesaid Treaty of 1667. or of any Diploma or Ordinance, granted by their Catholick Majesties, did enjoy, or ought to have enjoyed that Liberty in *Andalusia*, or in any other Ports and Places of *Spain* whatsoever. The Subjects of *Spain* shall enjoy the same Liberty in any Ports and Places of *Great Britain*, with all the Privileges belonging to them by the aforesaid Treaty.

V.

To prevent Abuses in Collecting the Rights called *de Alcavalas & Cientos*, his Catholick Majestie Consents, that the Subjects of *Great Britain*, who shall bring their Wares into any Port of *Spain*, Wet or Dry, in order to sell them by Wholesale, shall have their choice, whether they will Pay the said Rights *de Alcavalas & Cientos*, in the first Place or Port that they arrive at, or else according to the Laws of *Castille*, at the Place where, and at the Time when they are sold; which said Rights shall be the same as were paid in the Time of King *Charles* the Second. And it is further agreed, That the Subjects of *Great Britain* may send or carry the Wares, for which the said Rights *de Alcavalas* have once been paid, into any Port or Place whatsoever, belonging to his Catholick Majestie's Dominions in *Europe*, (in order to Sell them there by Wholesale) without any Molestation or Repetition of the said Duties or Exaction of any others for the first Sale; Provided however, that they who carry the said Wares, shall bring Receipts or Certificates from the Farmers, or Commissioners of the Custom-houses, from whence it may appear, that the said Rights have been Paid for those Wares, and likewise other Certificates, proving that the said Wares have not yet been Sold, but if any Merchant sells his Wares by Retail, he shall be Bound under such Penalties as are inflicted by Law, to Pay all the Local and Municipal Duties which are due and customary at the Sale of them, together with the Rights *de Alcavalas & Cientos*, and all others whatsoever.

His

His Catholick Majesty further consents, That if after the Certificates above-mentioned have been shewn, any Officer, or Gatherer of Duties, shall exact the said Rights again, or shall give any Trouble, or stop the Passage of the Wares on that Account, the Officer guilty of the said Fault, shall incur the Penalty of 2000 Ducats, payable to the Use of his Majesty's Chamber, or of the general Hospital at *Madrid*; the Notaries of the Custom-houses, or the Contraband, shall not receive above 15 *Ryals Villon*, for dispatching the said Certificates, unless it shall be otherwise agreed in settling the New Book of Rates.

VI.

And as the Subjects of their Majesties are to enjoy on both sides an entire, secure, and unmolested Use and Liberty of Navigation and Commerce, as long as the Peace and Friendship, entred into by their Majesties, and their Crowns, shall continue, so likewise their Majesties have provided, that the said Subjects shall not be deprived of that Security for any little Difference which may possibly arise, but that they shall on the contrary enjoy all the Benefits of Peace, until War be declared between the Two Crowns.

And it is further agreed, That if it should happen, (which God prevent) that War should arise, and be declared between their Majesties and their Kingdoms, then according to the Contents of the Thirty sixth Article of the aforementioned Treaty of 1667. after the Declaration of such a Rupture, the Space of Six Months shall be allowed to the Subjects of each Party, residing in the Dominions of the other, in which they shall be permitted to withdraw with their Families, Goods, Merchandizes, Effects, and Ships, and to Transport them, after having paid the due and accustomed Imposts, either by Sea, or Land, to whatsoever place they please, as they shall also be suffered to sell and alienate their Moveable and Immoveable Goods, and freely and without any Disturbance, to carry away the Prize of them, nor shall their Goods, Wealth, Merchandises or Effects, much less their Persons be in the mean time detained or molested by any Seizure or Arrest. Moreover the Subjects, of each side shall, in the mean time, enjoy and obtain quick and impartial Justice, by means
of

of which they may before the Expiration of the Six Months, recover the Goods and Effects which they have Lent, either to the Publick, or to Private Persons.

VII.

And it is further Agreed, That all the Losses which the Subjects of either Crown shall duly prove, that they have sustained in the Beginning of the late War (contrary to the Tenor of the Thirty sixth Article of the above-mentioned Treaty) whether they consisted of Moveable or Immoveable Goods, shall be Reciprocally made good, without any Delay to them, their lawful Procurators, Heirs, or to those to whom their Cause is intrusted, and Restitution shall be made of those Goods, whether Lands, Buildings, or Inheritance, or of what sort soever they are, which remain and are Confiscated, and the just and lawful Prize of those Goods which cannot be recovered, whether Moveable or Immoveable shall be paid; and their Majesties have Articled and Agreed that the said Payments (the Pretensions to them, being, as is aforesaid, fully proved, shall faithfully be performed, and made by their Treasurers on each Part.

VIII.

It is Agreed, and his Catholick Majesty will give effectual Orders to that purpose, that the Duties upon Fish, and other Provision, called *Millon*, shall not be demanded in the Place where the said Waters first arrive, but the said Duties shall be Paid according to the antient Custom established by Law, only in the Place of Consumption, and when the Wares are Sold, and not before.

IX.

His Catholick Majesty promises, that those Merchandises, which are not particularly mentioned in the Catalogue of Rates, which is to be made according to the Third Article of this Treaty, shall be Charged with the same Duties in Proportion to their Value, and no greater than those which are laid upon Merchandises named in the said Catalogue of Rates. And if any Difference arises between the Farmers of the Custom-houses, or Commissioners,

faries, and any Merchant concerning the Value of any Wares, it shall be in the Choice of the Merchant to Sell his Wares to the Farmer or Commissary, at the Price the Farmer of the Custom-house Valued them at (which Price shall be immediately paid in Ready Money, the Duties only Deducted) or else to give Part of his Merchandises at the Rate set upon them, as hath been mentioned, to the Farmer or Commissary, instead of the Duty, and retain the rest.

X.

It is Agreed, that in case the *British* Subjects shall bring any Wares from any Part of the Coasts of *Africa*, into *Spain*, and the same shall be admitted to pay the Duties, those being duly Paid, the said Wares shall not afterwards be Charged, either by the Captains-General of the Coasts, or Commanders of the Harbours, or any Body else, with any other Duties, under what Name or Title soever, excepting such as are payable in general, for all Wares of the same sort, at the time of their Sale.

XI.

The Masters of Merchant Ships, who shall enter into any Port of *Spain* with their Ships, shall be obliged, within Twenty four Hours after their Arrival, to deliver Two Declarations or Inventories of their Wares, or of that part of them which they are to unlade there, viz. one Declaration to the Farmer of the Custom-houses or Commissary, and another to the Judge of the Contraband, nor shall they open the Hatches of their Ships, till they either have Searchers with them, or have Leave given them by the Farmer of the Custom-houses to do it. No Wares shall be unladen with any other View than that of being immediately carried to the Custom-houses, according to a Permission which shall be given in Writing for that end. It shall not be lawful however for any of the Judges of Contraband, or other Officers of the Custom houses, under any pretence whatsoever, to open any Bags, Chests, Hogsheds, or other Covers of any Wares whatsoever, belonging to the Subjects of *Great Britain*, while they are carrying to the Custom-house, and before they are brought thither, and the Proprietor of them, or his Fac-

tor, is also come, who may discharge the Duties, and take the Goods into his own Custody. But the said Judges of Contraband, or their Deputies, may be present when the Wares are taken out of their Ships, and also when they are declared and laid open in the Custom-house, and if there be suspicion of Deceit, as that it is designed to lay open one Merchandise instead of another, it shall be lawful for him to open all the Bags, Chests, and Hogheads, so this be done in the Custom-house, and no other place, and in the presence of the Merchant, or his Factor, and not otherwise. But when the Goods have been exposed, and carried away from the Custom-house, and the Chests, Hogheads, or other Covers containing them, have been marked with the Sign or Seal of the proper Officer, no Judge of the Contraband or other Officer shall presume to open them again, or to hinder them from being carried to the Merchant's House. Neither shall it be lawful for them, under any pretence whatsoever, to hinder the said Goods from being carried from one House or Ware-house to another, within the Walls or Compass of the said City or Place, provided that be done between the Hours of Eight in the Morning and Five in the Evening, and previous Notice be given to the Farmers of the Rights *de Alcabalos & Cientos*, of the intent with which those Goods are removed, to wit, whether it be that they should be sold, that in that case those Duties, if not paid before, may be paid there, or at the Place of Sale; or if they are not to be sold, then a Certificate may be given, after the usual Manner, to the Merchant. Furthermore it shall be lawful to carry Wares from any Port or Place within the King of *Spain's* Dominions to any other Port or Place, either by Sea or Land, under such Conditions as are expressed in the Fifth Article of this Treaty.

XII.

The Duties upon Merchandize brought into the *Canary Islands*, Exported from thence by *British* Subjects, shall not be greater than those that were paid in the Reign of the late King *Charles* the Second, or such as shall become payable by the New Book of Rates.

XIII. The

XIII.

The Subjects of each of their Majesties, who are in Debt to the Subjects of the other, whether the Debts were Contracted before the beginning of the said War, or within the space of Six Months after it was begun, or (during the War, under the Protection of Letters of Safe Conduct) or lastly, after a Truce was made between the two Crowns, shall be bound and obliged faithfully to pay the same, in the same manner as if War had never arose between the Two Crowns, nor shall they be permitted to raise any Exceptions against the just Demands of their Creditors on pretence of the War.

XIV.

His Catholick Majesty gives Leave to the Subjects of *Great Britain* to settle themselves, and dwell in the Town called *St. Ander*, upon the Terms that are expressed in the Thirty ninth Article of the Treaty of 1667.

XV.

As to the Judge Conservator, and others to be Substituted by him, if this Privilege be granted to any other Foreign Nation whatsoever, the Subjects of *Great Britain* shall likewise enjoy it. In the mean time however, and until something certain shall be determined in this Matter, his Catholick Majesty will give express Orders to all and every one of the Judges of his Kingdom, and to all others whomsoever, who are any ways concerned in the Administration or Execution of Justice, and shall enjoin the same under the strictest Penalties, to do Justice, and cause it to be executed, without any Delay, Partiality, Favour, or Affection, in all Causes relating to the Subjects of *Great Britain*.

The Catholick King consents, That Appeals from Sentences in Causes concerning the *British* Subjects, may be brought before the Tribunal of the Council of War at *Madrid*, and no where else.

XVI.

If any Minister or other Subject of her Majesty of *Great Britain*, or of his Catholick Majesty, shall violate this Treaty, or any Article of it, he shall be responsible for all the Damage occasioned by it; and if he be placed in any Publick Office, he shall besides making Satisfaction to the Injured Party (as is aforesaid) be deprived of his Office also.

XVII.

The Subjects of *Great Britain* having brought by Sea from any other Port in *Spain*, Wine, Brandy, Oil, Soap, dry'd Grapes, or other Merchandises, and producing Certificates, that the Duties were paid at the Place whence they set Sail, shall be suffered to put the same into their Ships lying at *Cadiz*, or there to remove them from one Ship to another (with the Consent of the Inspectors of the Maritime Affairs, and in the presence of them, or their Deputies, if they have a mind to be there, and at a seasonable time to be appointed by the said Inspectors within Four and twenty Hours, in order to prevent all Frauds whatsoever) and to carry away from thence; with this Liberty that they shall not pay the Duty called *Hondeaxe*, or any other of Entrance, or going out.

The present Treaty shall be Ratified by the most Serene Queen of *Great Britain*, and the most Serene Catholick King, and the Ratifications shall be Exchanged at *Utrecht*, within Two Months, or sooner, if possible.

In Witness whereof, We the under Written Ambassadors Extraordinary, and Plenipotentiaries of the Queen of *Great Britain*, and the Catholick King, have Signed and Sealed this present Instrument at *Utrecht*, the Twenty eighth
Ninth
day of ^{November} in the Year of our Lord, 1713.
^{December,}

(L. S.) *Job. Bristol.*

(L. S.) *Duc de Ossuna.*

(L. S.) *El Marque de Monteleon.*

WE having seen and considered the above written Treaty, have approved, Ratified, and Confirmed the same, as
We

We do by these Presents, for Ourselves, Our Heirs and Successors, Approve, Ratify, and Confirm it, Excepting only Three Articles thereof, viz. The Third, Fifth, and Eighth, Concluded at Utrecht, which are to be observed and understood in the Manner and Form following :

III.

W Hereas by the late Treaty of Peace it is Agreed and Established as a Basis and Foundation, That the Subjects of *Great Britain*, in what regards Commerce, shall enjoy the same Liberties and Privileges which they enjoyed in the Reign of King *Charles* the Second, in all Parts of the King of *Spain's* Dominions, which Rule is what is also to serve for a Basis and Foundation of the present Treaty of Commerce, and is to be understood reciprocally in Favour of the King of *Spain's* Subjects Trading in the Dominions of *Great Britain*. And as nothing can contribute more to establish the Commerce to a mutual Benefit than a fixed, clear, and easy Rule in paying the Duties, especially on a moderate Footing, and proportionable to the Value of the Merchandise, in order to prevent the Frauds that otherwise would be practised, to the Prejudice of the Revenues of either Crown, which has been often experienced in *Spain*, where the Established Duties by the Ancient Books of Rates are excessive; In consideration whereof his Catholick Majesty, being desirous to avoid the like Consequences, and to favour, augment, and facilitate, in all that depends upon him, the Commerce, in as ample a manner, as her *Britannick* Majesty desires, hath consented, on his part, to suppress and make void the different Duties payable upon Importation and Exportation, contained in the Ancient Books of Rates, as also those that have been imposed since, under any name or pretence whatsoever, and content himself with one only Duty to be paid on Importation of all Goods and Merchandize, after the Rate of 10 per Cent. of their Value. And the like Duty upon all Goods and Merchandize which shall be Exported out of his Dominions, whether the Valuation be made by Weight, Measure, Piece, or *ad valorem*; And the same Duty shall be Collected in all the Ports of Entry in *Spain*, comprehending those of *Arragon*, *Valencia*, and *Catalonia*, Excepting out of this General Rule *Biscaya*

Biscaya and *Guipuscoa*, whose Duties of Importation and Exportation are to remain as they were in the Time of *Charles* the Second. And that the said 10 *per Cent.* being once paid, the Farmers or Officers of the Custom-houses where those Goods shall be Entred, shall be obliged to Mark the same with the proper Seals and Marks of their Office, and also give the requisite Dispatches: by virtue of which, the Proprietors of the Goods may freely Transport them to all the other parts of *Spain* where they please, without being liable to pay any other Duty, Imposition, or Charges, to the use or benefit of his Catholick Majesty in any Ports or Parts of *Spain* whatsoever, in respect of Transporting the said Merchandize, over and above what they have paid, in pursuance of this New Arancel, provided the Receipts and Marks are produced; in default of which, they shall be esteemed to be fraudulently Transported. But it is to be understood, that this is not to extend to the *Alcavalas*, *Cientos*, and *Millones*, in relation to which, Provision is made in the Fifth and Eighth Articles of this Treaty.

And for as much as the Ambassador of *England* hath represented, That to avoid all Differences and Disputes for the future, it is absolutely necessary to establish a certain Valuation or Rate of the several sorts of Merchandize, by which the said Duty of 10 *per Cent.* shall always be paid, and not altered, either by means of the Augmentation or Diminution of the Price of the said Merchandize, which may hereafter happen in the Commerce, in any time, or in any part of the Kingdom; It is Agreed by their Catholick and *Britannick* Majesties by their Ambassadors, That in the Term of Three Months, from the Ratification of this Treaty, or sooner, if possible, Commissaries Named and Authorized by both their Majesties in due Form, shall meet at *Madrid* or in *Cadiz*, who, without loss of time, shall proceed to the forming a New Book of Rates, in such a manner, as to fix and limit what shall be paid for the future on all sorts of Merchandize, as well upon Importation as Exportation; And so as that all the different Duties which were payable, either before or in the Time of *Charles* the Second, or since, under whatsoever name or pretence, or Collected in different Custom-houses or Offices, shall be comprehended in this only Duty, payable in

in one Sum, whether upon Importation or Exportation in all the Ports of *Spain*, and shall extend to the Kingdoms of *Arragon*, *Valencia*, and Principality of *Catalonia*, and their Dependencies, Excepting only the Provinces of *Guipuscoa* and *Biscaya*, of which mention has been already made. And whereas great Instances have been made by the Ambassador of *Great Britain*, that Directions be given to the said Commissaries, that they take Care and above all, do observe, as a fixed Rule, That this Duty be laid equally and generally in all the Ports and Custom-houses of *Spain*, upon the Importation and Exportation of all Goods and Merchandize, after the Rate of 10 per Cent. of the Value which such Goods and Merchandize bear in the Course of Trade, between the Merchants of *Cadix* and Port *St. Mary's*; To which the Ambassadors of *Spain* have consented; Always provided, That the Goods and Commodities which shall be Imported into the Kingdom of *Spain* by the Ports of *Biscaya* and *Guipuscoa*, and afterwards Transported into the other Provinces depending on the Kingdoms of *Castile* and *Arragon*, shall be obliged to pay at the first Custom-house of Entry into the said Kingdoms, the Duties which shall be Established in this New Book of Rates.

V.

To prevent the Abuses that may be committed in Collecting the Duties called *Alcavalas* & *Gientos*, his Catholick Majesty Consents that the Subjects of her *Britannick* Majesty shall not be obliged to pay these Duties, during such time as they think fit to let their Merchandize remain in the Magazines of the Custom-houses appointed for that purpose: But when they shall think fit to take out the said Goods, either to be transported farther into the Country, sell them in the same place, or carry them to their own Houses, it shall be permitted them so to do, upon giving his Bond, with sufficient security, to pay the said Duties of *Alcavalas* and *Gientos* for the First Sale in Two Months after the Date of his Bond, upon which he shall have Receipts given him for the said Duties, and the Goods shall be marked with the proper Mark and Seal of the Farmers of the said *Alcavalas* and *Gientos*, where such Bond and Security shall be given for the first Sale, after which the said Merchandize may be Transported and Sold

by Wholesale in any Port or Place belonging to the King of Spain in Europe; and that no Obstruction or Hindrance shall be made upon Account of the said Duties, nor the Proprietor liable to pay a second time in respect of the First Sale, provided those who carry the said Merchandizes produce the Receipts and Marks of the Farmer or proper Officer concerned in the Collection of these Duties, or making sufficient Proof of their not being sold before. But if on the contrary, any Merchant do sell his Goods by Retail, he shall be obliged to pay the said Duties of *Alcavalos* and *Cientos* a second time, under the Pains established by the Laws. And his Catholick Majesty declares, that if any Officer of the *Alcavalos* and *Cientos* shall exact a second time the said Duties on the same Merchandize, when the said Receipts and Marks have been produced, or should obstruct their Passage, or Transportation, or occasion the least Impediment, such Officer shall be Fined 2000 Crowns to the Benefit of His Majesty's Revenues. And the Officers of the Custom-houses shall not demand or take for making such Receipts or Certificates more than 15 *Reals Vellon*, unless it be otherwise settled in the New Book of Rates.

VIII.

His Catholick Majesty consents, That the Duties commonly called *Millones*, which are payable upon Fish and other Sorts of Domestick Provisions, shall not be demanded in the First Ports or Custom-houses of Entry in Spain, during such time as the Proprietors will let them remain in the Warehouses appointed for that purpose. But in case the Owner shall desire to take them out, either to send into the Country, sell them on the Place, or carry them to their own Houses, they are then to give Bond with good Security, to Pay the said Duty of *Millones*, in two Months after Date of the said Bond, upon which the necessary Dispatches are to be given them. And the said Merchandize shall be marked with the Seals or Marks of the Farmers of the *Millones* where the said Duties were secured, after which the said Goods may be Transported to, and Sold in the Places where they are to be consumed, without paying any new Duties of *Millones*. His Majesty also declares, That if after the Receipts

ceipts are produced, any Officer belonging to the Farmers of the *Millones* should exact a second time the same Duties on the same Goods, or should oppose their Passage, Transport or Sale, or occasion the least Impediment, the said Officer shall be Fined 2000 Crowns, for the Benefit of his Majesty's Revenue.

T Herefore by Vertue of these Presents We do Approve and Ratifie the Treaty above Written, as likewise the Three Articles, viz. The Third, Fifth, and Eighth, as they are set forth in this Instrument of Ratification, and are to be taken as part of the said Treaty, and to have the same Force and Effect, as if they had been inserted therein: Promising and Engaging Our Royal Word, That We will Faithfully and Religiously Perform and Observe all and singular the Things Agreed upon in this Treaty, and that We will not suffer the same to be Violated by any one as far as lies in our Power. For the greater Testimony and Validity whereof, We have caused Our Great Seal to be affixed to these Presents, which We Signed with Our Royal Hand. Given at Our Castle of Windsor the Seventh Day of February, 17th in the twelfth Year of our Reign.

A NNE, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and singular to whom these Presents shall come, Greeting. Whereas the Right Reverend Father in God, Our Right Trusty and Welbeloved Counsellor, John Bishop of Bristol, Our Ambassador Extraordinary and Plenipotentiary, Dean of Windsor, and Register of Our Most Noble Order of the Garter, did on Our Part, together with the Plenipotentiaries of the most Serene Catholick King Conclude and Sign at Utrecht on the 23^d Day of November, December, 1713. a Treaty of Commerce between the Crowns of Great Britain and Spain, and at the same time a Separate Article was concluded, made between the said Plenipotentiaries, who were severally furnished with sufficient Authorities, and is as follows:

Separate Article.

B Y the present Separate Article, which shall be altogether of the same Validity and Force, as if it was
 G inserted

inserted Word for Word in the Treaty of Commerce this day Concluded, between their Royal Majesties of *Great Britain* and *Spain*, and shall for that end be Ratified, as well as the said Treaty; his Catholick Majesty Consents, That it shall at all times hereafter be Lawful for the *British* Subjects, who shall Live in the *Canary-Islands*, for the sake of their Trade, to Nominate some one Person, being a Subject of *Spain*, who shall Execute the Office of Judge Conservator there, and shall at the first Instance take Cognizance of all Causes relating to the Commerce of the *British* Subjects; and his Royal Majesty promises, That he will Grant Commissions to such Judge Conservator so Named, together with the same Authority, and all the Privileges which the Judges Conservators have formerly enjoyed in *Andalusia*. And if the *British* Subjects shall desire to have more Judges of that sort there, or to Change those that are Appointed every three Years, it shall be allowed and granted them. His Catholick Majesty consents likewise, that Appeals from the Sentences of the said Judge Conservator, shall be brought before the Tribunal at the Council of War at *Madrid*, and no where else.

In Witness whereof, We the under written Ambassadors Extraordinary, and Plenipotentiaries of Her Sacred Majesty of *Great Britain*, and of His Sacred Catholick Majesty, have Signed and Sealed these Presents at *Utrecht* the 2⁹th Day of ^{November} ~~December~~ in the Year of our Lord, 1713.

(L.S.) *Joh. Bristol.* (L.S.) *Duc de Ossuna.*
(L.S.) *El Marque de Monteleon.*

WE having seen and considered the Separate Article, have Approved, Ratified, and Confirmed, as we do by these Presents Approve, Ratify, and Confirm the same, Promising and Engaging Our Royal Word, That We will Faithfully and Inviolably keep all and singular the Things therein contained, and that We will not suffer any thing to be done contrary thereunto. For the greater Testimony and Validity whereof, We have Signed this Instrument with Our Royal Hand, and caused Our Great Seal of *Great Britain* to be affixed thereunto. Given at Our Castle of *Windsor* the Seventh Day of February, 1714 in the Twelfth Year of Our Reign.

ANNE R.

ANNE-R.

ANNE, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting. When We had determined to endeavour to put an End to this so long and so pernicious a War, amidst the great Cares which We took upon Us in restoring the Publick Tranquillity, We turned Our Thoughts in the first place to the Renewal and Strengthening of those most Strict Bands of Friendship and Correspondence between Us and Our Good Brother Philip the fifth Catholick King of Spain, which had subsisted from the longest Date of Time between the British and Spanish Crowns, to the Mutual Benefit of both Nations: Wherefore We were pleased to appoint the same Ministers, who had so long, and with so good Success, applied themselves in Our Name to promote and finish the most wholsom Work of Peace between the Christian Princes and States at *Utrecht*, to Conclude and Sign Terms and Conditions, as well of Peace and Friendship, as of Commerce and Navigation, between Us and the said Catholick King. Know ye therefore, That We reposing very great Confidence in the Fidelity, Industry, and Perspicacity, and Experience, in Treating of Affairs of the greatest Importance, of the Right Reverend Father in God Our Right Trusty and Welbeloved Counsellor John Lord Bishop of *Bristol*, Keeper of Our Privy-Seal, Dean of *Windser*, and Register of Our most Noble Order of the Garter; And of Our Right Trusty and Right Welbeloved Cousin and Counsellor Thomas Earl of *Strafford*, Viscount *Wentworth* of *Wentworth-Woodhouse*, and of *Stainesborough*, Baron of *Raby*, Lieutenant-General of Our Armies, First Commissioner of our Admiralty, Knight of Our most Noble Order of the Garter, and Our Ambassador Extraordinary and Plenipotentiary to the High and Mighty Lords the States General of the *United Provinces*. Have nominated, made, and constituted, as we do by these Presents nominate, make, and constitute them Our true, certain, and undoubted Ambassadors Extraordinary, Commissaries, Procurators, and Plenipotentiaries, Giving and Granting to them either joyntly or separately, all and all manner of Power, Leave and Authority, and Our General as well as Special Command (provided that our General Command

(shall not derogate from, or be contrary to Our Spécial Command) to Meet at *Utrecht*, or at any other Place whatsoever, and have Conferences with the Ambassadors Extraordinary and Plenipotentiaries, whom the said Catholick King shall depute on his side, and provide with sufficient Authorities, and of Treating of, Agreeing upon and Concluding Safe, Firm, and Honourable Conditions of Peace and Friendship between Us and the said Catholick King, and of Signing whatsoever shall be so agreed for Us, and in Our Name, and of Making, Delivering, and Receiving reciprocally, all the necessary Instruments of the Things concluded, how many or whatsoever they are, and in general, of doing and performing all things which they shall judge to be any ways necessary or convenient towards Making and Establishing Conditions of Peace and Friendship, as aforesaid, in as ample Manner and Form, and with the same Force and Effect, as we could do and perform the same, if We Our Selves were present; Promising and Engaging Our Royal Word, That We will Approve and Ratifie all and every one of the Articles, which by Virtue of these Presents shall be Transacted, Concluded, and Signed by Our said Ambassadors Extraordinary, Commissaries, Procurators, and Plenipotentiaries, joyntly or separately, in the Form and Manner wherein they are agreed. For the greater Testimony and Validity whereof, having Signed these Presents with Our Royal Hand, We have Commanded Our Great Seal to be affixed thereunto. Given at Our Palace at St. *James's* the Third Day of *May*, 1713. in the Twelfth Year of Our Reign.

DON *Philip*, by the Grace of God, King of *Castille*, *Leon*, *Aragon*, and both *Sicilies*, *Jerusalem*, *Navarre*, *Granada*, *Toledo*, *Valencia*, *Galicia*, *Majorca*, *Sevilla*, *Sardinia*, *Cordova*, *Corfica*, *Murcia*, *Jaen*, the *Algarves*, *Algezira*, *Gibraltar*, the *Canary Islands*, the *East* and *West-Indies*, the Islands and Continent of the Ocean, Archduke of *Austria*, Duke of *Burgundy*, *Brabant*, and *Milan*, Earl of *Apsburg*, *Flanders*, *Tirol*, and *Barcelona*, Lord of *Biscay* and *Molina*, &c. Whereas We have desired, and do desire, That Our Subjects may be set at Ease and Rest, from the Afflictions and Calamities of so Long and Bloody War, as this has proved to be, and that by putting an End to the deplorable Effects thereof, they may come to Enjoy
that

that Repose, Splendor and Prosperity, which they Earnestly Wish for, and We ought to Procure them; and considering how much this common Good will be Secured, by Entering upon and Concluding a Treaty of Commerce, between this Crown and that of *England*, which may be of Reciprocal Advantage and Convenience to the Subjects of Both Crowns: We have thought fit to nominate for that purpose you Don *Francisco Maria de Paula, Tellez, Giron, Benavides, Garrillo y Toledo, Ponce de Leon*, Duke of *Osuna*, our Cousin, Earl of *Urena*, Marquis of *Pennafiel*, Gentleman of our Bedchamber, and Great Chamberlain, and Cupbearer, Chief Notary of Our Kingdoms of *Castille*, Knight of the Order of *Callatrava*, Great Treasurer of the said Order and Knighthood, Commendator thereof, and of the Usagre in the Order of *St. James*, and Captain of the first Company of Our Royal *Spanish* Life Guards: And you Don *Isidro Casado de Rosales*, Marquis de *Monteleon*, our Kinsman, and one of Our Council of the *Indies*; with full Power and Authority, and the Dignity of our Embassadors Extraordinary and Plenipotentiaries, by reason of the Entire Satisfaction and Confidence we have in your Persons, and that Both of you are Endued with those Valuable Qualities of Prudence, Judgment, Experience, Zeal, and Love for Our Royal Service, which are necessary for a Negotiation of this Importance, to the End that you may Treat of, Conclude, and Finish with the Ministers, Plenipotentiaries, named for that purpose by the Queen of *Great Britain*, the aforesaid Treaty of Commerce, for the Reciprocal Convenience and Advantage of the Subjects of the Two Crowns, Promising, as We do hereby Promise, for Our Selves and Successors, upon Our Faith and Royal Word, that We will perform and keep for ever, all that you shall Stipulate, Conclude and Agree, with the aforementioned Ministers, Plenipotentiaries, of the Queen of *Great Britain*, for the attaining and settling the said Treaty of Commerce, and that We will observe it exactly, and cause it to be observed, without Contravening the same or suffering it to be Contravened in any wise whatsoever directly or indirectly, for all which, and whatsoever else may be necessary thereto, We give and grant to you all the Power, Authority, and Faculty that is needful; and that We will Approve and Ratifie the same, within the time that shall be reciprocally Agreed: Declaring that in
case

of *Alfonso* or *Señor* of either of you, the said
Duke of Osuna, and *Marquis of Monteban*, the other of
 you may proceed in the Effecting and Concluding this
 Treaty of Commerce: We promising also upon Our Faith
 and Royal Word, that We will Approve, Confirm and
 Ratify the same, with all the Solemnities and Forms that
 are necessary, and in the same manner as if it had been
 Adjusted and Concluded by Both of you. In Testimony
 whereof We have commanded to be Dispatched, and We
 do dispatch these Presents, Signed with Our Hand, Sealed
 with Our Privy Seal, and Countersigned by Our under-
 written Secretary of State. Given at *Madrid*, the Twen-
 tieth Day of *October*, 1713.

I the King.

Manual de Vadillo y Velasco.

WE do Certifie, That this present Writing is a Copy
 taken Word for Word from the Original Power,
 with which His Majesty has Honoured us. *Hague*, the
 Twenty third of *February*. 1714.

Duque de Osuna.

Marque de Monteleon.



